

## **ADMINISTRATIVE PANEL DECISION**

Eli Lilly and Company v. Syed Shehryar Sarwar, XMart Host LTD, Hoster Ocean, Christopher Jack, Individual, Waqas Raza, NextGenSol LLC, Pharma Medical, Pharma Medical, and Pharma Medical, Pharma Medical  
Case No. D2025-0025

### **1. The Parties**

The Complainant is Eli Lilly and Company, United States of America (“United States”), represented by Faegre Drinker Biddle & Reath LLP, United States.

The Respondents are Syed Shehryar Sarwar, XMart Host LTD, United Kingdom (“UK”); Hoster Ocean, UK; Christopher Jack, Individual, United States; Waqas Raza, NextGenSol LLC, Pakistan; Pharma Medical, Pharma Medical, United Arab Emirates; and Pharma Medical, Pharma Medical, Pakistan.

### **2. The Domain Names and Registrars**

The disputed domain name <buymounjaroonlineireland.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “First Registrar”).

The disputed domain names <buymounjaroonlineuk.org>, <mounjarodubaipharmacy.org>, <mounjaroegypt.org>, <mounjaroinjectiondubai.org>, <mounjaroinmexico.org>, <mounjaroinuaepharmacy.org>, and <mounjarosaudiArabia.org> are registered with CloudFlare, Inc. (the “Second Registrar”).

The disputed domain names <mounjarocanadapharmacy.com>, <mounjarodubailifepharmacy.com>, <mounjaro-france.com>, <mounjaroireland.org>, <mounjarophilippines.com>, <mounjaroportugal.com>, and <zepboundonlinepharmacy.org> are registered with Cosmotown, Inc. (the “Third Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 1, 2025. On January 6, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 7, 2025, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (DATA REDACTED) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 14, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the 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 amendment to the Complaint on January 17, 2025.

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 January 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 18, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on March 3, 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 major pharmaceutical company. It owns the mark MOUNJARO, for which it has obtained registration in many countries around the world, including the United States (Reg. No. 6,809,369, registered on August 2, 2022). It also owns the mark ZEPBOUND and has likewise obtained many registrations for that mark, including in the United States (Reg. No. 7,288,373, registered on January 23, 2024).

The Complainant asserts that the Respondents have used the disputed domain names to engage in a systematic scheme of impersonation and counterfeiting directed at the Complainant's business. Specifically, the Complainant alleges that the Respondents have created websites associated with the disputed domain names that prominently display the official MOUNJARO or ZEPBOUND branding elements in both the header and footer sections, creating a deliberate impression that these are authorized websites affiliated with the Complainant. According to the Complainant, this visual mimicry is designed to deceive consumers into believing they are accessing legitimate channels for the Complainant's pharmaceutical products. The Complainant further contends that these websites are in fact being used to market and sell unauthorized "gray market" versions or counterfeit versions of the Complainant's MOUNJARO and ZEPBOUND branded products. The Complainant maintains that this behavior demonstrates a coordinated effort across all disputed domain names to capitalize on the Complainant's established reputation and trademark rights, while potentially endangering public health through the distribution of unregulated pharmaceutical products that may not meet proper safety or efficacy standards.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademarks; that the Respondents have no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered and are being used in bad faith.

## B. Respondent

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

## 6. Discussion and Findings

### A. Preliminary Matter: Consolidation of Multiple Respondents

There are six named Respondents (six underlying registrants disclosed by the Registrars) who have registered the 15 disputed domain names. The Complainant requests that all 15 disputed domain names be consolidated into this matter. Consolidation is proper, so the Complainant's request for consolidation is granted.

Paragraph 10(e) of the Rules states that a "[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". Paragraph 10(c) of the Rules provides, in relevant part, that "the [p]anel shall ensure that the administrative proceeding takes place with due expedition". Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all parties.

The record indicates the disputed domain names are under common control. The Complainant has submitted substantial evidence to support such assertion, including the following:

- All of the disputed domain names: (1) incorporate one of the Complainant's MOUNJARO or ZEPBOUND marks; (2) incorporate geographic and/or descriptive terms to give the disputed domain names an appearance of a geographically specific source for the Complainant's products or an "online pharmacy" source for the Complainant's products; (3) have been registered under the veil of a privacy service; (4) were registered with only one of three Registrars; (5) were registered in a short span of a few months, between August and December 2024; and (6) are linked to Name Servers from one of two service providers.
- The Respondents use all of the disputed domain names to impersonate the Complainant by prominently displaying the official MOUNJARO or ZEPBOUND branding in the header and footer of their websites while marketing gray market or counterfeit versions of the Complainant's MOUNJARO brand or ZEPBOUND brand products.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable. Accordingly, conditions for proper consolidation of the disputed domain names into one matter are present here.

### B. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. [WIPO Overview 3.0](#), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain names are identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the MOUNJARO and ZEPBOUND marks by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

Each of the disputed domain names incorporates either the MOUNJARO or ZEPBOUND mark in its entirety. This is sufficient for a finding of confusing similarity under the Policy. Each of the disputed domain names also include geographical terms (such as “dubai,” “philippines,” or “ireland”) and/or descriptive terms (such as “buy,” “online,” “life,” or “pharmacy”). The addition of such terms does not prevent a finding of confusing similarity under the policy. The Complainant’s marks remain sufficiently recognizable within the disputed domain names.

The Panel finds that the Complainant has established this first element under the Policy.

### **C. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first determining whether the Complainant has made a prima facie showing that the Respondents lack rights or legitimate interests in the disputed domain names. If the Complainant makes this showing, the burden of production shifts to the Respondents to demonstrate rights or legitimate interests, while the burden of proof remains with the Complainant. See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant asserts that the Respondents have no rights or legitimate interests in the disputed domain names because: (1) there is no evidence that the Respondents are commonly known by the disputed domain names; (2) the Respondents are not making a bona fide offering of goods and services; (3) the Respondents are not engaged in any legitimate noncommercial or fair use of the disputed domain names; and (4) the Respondents have used the disputed domain names to market and sell gray market or potentially counterfeit versions of the Complainant’s prescription-only MOUNJARO and ZEPBOUND products, without the required prescription, in jurisdictions where these products are not authorized for sale.

The Panel finds that the Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not come forward with evidence to rebut this showing.

A respondent may claim legitimate interest in a domain name if it is using it to resell a complainant’s goods under the *Oki Data* criteria. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). However, the *Oki Data* test requires that: (i) the respondent is actually offering the goods or services at issue; (ii) the respondent only sells the trademarked goods or services; (iii) the respondent accurately discloses its relationship with the trademark owner; and (iv) the respondent does not attempt to corner the market in all relevant domain names.

Here, the Respondents fail the *Oki Data* test for a number of reasons, the most salient reason being that the Respondents do not appear to be selling the Complainant’s goods but instead engaged in counterfeiting or sale of gray market goods.

For these reasons, the Panel finds that the Respondents have no rights or legitimate interests in the disputed domain names. The Complainant has satisfied the second element of the Policy.

### **D. Registered and Used in Bad Faith**

The Policy requires the Complainant to establish that the disputed domain names were registered and are being used in bad faith.

The Respondents’ use of the disputed domain names to imitate the Complainant and sell counterfeit or unauthorized gray market versions of the Complainant’s MOUNJARO and ZEPBOUND products is a clear example of bad faith registration and use under the Policy. Prior UDRP panels have consistently found that the registration and use of domain names for the sale of counterfeit goods constitutes bad faith. See, e.g., *Lodo IP, LLC v. Tracy Girard*, WIPO Case No. [D2024-0444](#), citing *Columbia Sportswear Company v. PrivacyGuardian.org / Dorota Borowska*, WIPO Case No. [D2019-0314](#); *Millet Mountain Group SAS v. AndreasSankt, JuliaKruger, TomZimmer*, WIPO Case No. [D2023-3363](#).

The Respondents' websites prominently display the Complainant's branding and official marketing materials, creating the false impression that the websites are affiliated with or authorized by the Complainant. This deliberate attempt to mislead consumers and profit from the Complainant's reputation is a textbook example of bad faith. Moreover, offering prescription-only pharmaceutical products without requiring a prescription poses significant risks to public health and further underscores the Respondents' bad faith intent.

Given these circumstances, the Panel finds that the Respondents have registered and used the disputed domain names in bad faith. The Complainant has satisfied 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 <buymounjaroonlineireland.com>, <buymounjaroonlineuk.org>, <mounjarocanadapharmacy.com>, <mounjarodubailifepharmacy.com>, <mounjarodubaipharmacy.org>, <mounjaroegypt.org>, <mounjaro-france.com>, <mounjaroinjectiondubai.org>, <mounjaroinmexico.org>, <mounjaroinuaepharmacy.org>, <mounjaroireland.org>, <mounjarophilippines.com>, <mounjaroportugal.com>, <mounjarosaudiarabia.org>, and <zepboundonlinepharmacy.org> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: March 18, 2025