

## **ADMINISTRATIVE PANEL DECISION**

Lonza Ltd v. Over Cash

Case No. D2025-0179

### **1. The Parties**

The Complainant is Lonza Ltd, Switzerland, represented by Greer, Burns & Crain, Ltd., United States of America ("United States").

The Respondent is Over Cash, United States.

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

The disputed domain name <lonzaa.site> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 16, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 17, 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 (UNAVAILABLE / Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On January 23, 2025, the Center requested the Complainant to amend the Mutual Jurisdiction section of the Complaint. The Complainant filed an amended Complaint on February 3, 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 February 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 25, 2025. Due to an apparent issue with the notification, on February 26, 2025, the Center granted the Respondent until March 8, 2025, to file a Response. The Respondent did not submit any response.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on March 13, 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 Lonza Ltd., which is part of the Lonza Group Ltd., one of the leading companies providing manufacturing services to the pharmaceutical, biotech, and nutrition markets.

The Complainant registered the domain name <lonza.com> on January 8, 1997, which corresponds to its official website, and owns several trademark registrations for LONZA around the world, including the following:

- United States Trademark Registration No. 956,300 for the mark LONZA, registered on April 3, 1973, in international classes 1, 2, 4, 5, 6, 11, and 31;
- United States Trademark Registration No. 4,483,125 for the mark LONZA, registered on February 18, 2014, in international classes 9, 35, and 42;
- United States Trademark Registration No. 5,222,498 for the mark LONZA, registered on June 13, 2017, in international classes 40 and 42; and
- United States Trademark Registration No. 4,922,144 for the mark LONZA, registered on March 22, 2016, in international classes 40, 41, and 42.
- the European Union Trademark Registration No. 001101898 for the mark LONZA, registered on July 3, 2000 in classes 1, 2, 3, 4, 5, 16, 17, and 19; and
- the International Trademark Registration No. 265860 for the mark LONZA, registered on February 16, 1963, in classes 1, 3, 4, 5, 6, and 17.

The Respondent registered the disputed domain name with privacy protection service and it was identified by the Registrar as Over Cash, from the United States.

The disputed domain name was registered on December 19, 2024, and at the time of filing the Complaint it resolved to website with pay-per-click ("PPC") links, it currently resolves to an inactive website.

#### **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.

Notably, the Complainant contends that:

The disputed domain name is confusingly similar to the Complainant's trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name was registered and is being used in bad faith.

## 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 on the basis of the statements and documents submitted and 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 may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently 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 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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The entirety of the mark is reproduced within the disputed domain name with the addition of the letter "a" at the end. The addition of the letter "a" does not prevent a finding of confusing similarity of the disputed domain name to the Complainant's trademark, as the trademark remains recognizable within the disputed domain name.

Finally, the addition of a generic Top-Level Domain ("gTLD") such as ".site" in a domain name is technically required. Thus, it is well established that such an element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See [WIPO Overview 3.0](#), section 1.11.1.

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. 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 finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

First, the registrations by the Complainant of the trademark LONZA constitute prima facie evidence of the Complainant’s rights to these trademarks. The Respondent is neither sponsored, affiliated, licensed nor authorized to use the Complainant’s trademarks in any manner, including in the disputed domain name.

Second, the Respondent is not commonly known by the disputed domain name, which suggests a lack of rights and legitimate interests in the disputed domain name.

Third, the Respondent’s registration of the disputed domain name on December 19, 2024, came significantly later than the Complainant’s registration of its trademarks. Prior to the Respondent’s registration of the disputed domain name, the Complainant’s trademarks had enjoyed a high degree of fame and reputation which the Respondent was not authorized to share.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the disputed domain name, or to take any other steps to counter the prima facie case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name.

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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant’s trademark as the disputed domain name was registered approximately 60 years after the registration of the Complainant’s trademark. The Panel finds that it is improbable that the Respondent was not aware of the LONZA mark since a quick Internet search would reveal the existence of the LONZA mark. Additionally, the evidence provided by the Complainant with respect to the extent of use and global recognition of its LONZA mark, a distinctive term created by the Complainant. This, combined with the absence of any evidence

provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant's widely known LONZA mark.

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 disputed domain name resolved to a website with PPC links. The Panel finds that per paragraph 4(b)(iv) of the Policy, the Respondent registered and used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

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 <lonzaa.site> be transferred to the Complainant.

*/Gökhan Gökçe/*

**Gökhan Gökçe**

Sole Panelist

Date: March 20, 2025