

ADMINISTRATIVE PANEL DECISION

Egis Gyógyszergyár Zrt. v. web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace***

Case No. D2025-0602

1. The Parties

The Complainant is Egis Gyógyszergyár Zrt., Hungary, internally represented.

The Respondent is web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace***, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names <symplisept.com> and <symplitex.com> are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 14, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on March 21, 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 Hungarian pharmaceutical company. The Complainant owns trademark rights for SYMPLISEPT and SYMPLITEX marks, in particular European Union trademark registration No. 019075281 for SYMPLISEPT mark, filed on September 5, 2024, and registered on January 18, 2025; and European Union trademark registration No. 018987120 for SYMPLITEX trademark, filed on February 16, 2024, and registered June 5, 2024.

The disputed domain name <symplisept.com> was registered on September 5, 2024 and the disputed domain name <symplitex.com> was registered on February 16, 2024. On the day of filing of the Complaint, both disputed domain names redirected to GoDaddy's website offering them for sale for USD 2,850.18.

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 identical to the relevant (matching) trademarks in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not a licensee, authorized agent of the Complainant or in any other way authorized to use the Complainant's trademarks. There is not any evidence of the Respondent's use of, or demonstrable preparations to use the disputed domain names or names corresponding to the disputed domain names in connection with a bona fide offering of goods or services. There is no any evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain misleadingly to divert consumers.

Finally, the Complainant contends that the disputed domain names were registered and are being used in bad faith. The disputed domain names were registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain names registrations to the Complainant or its competitor, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain names. The Respondent registered the disputed domain names in bad faith, as evidenced by the fact that the registrations were made on the same day that the Complainant, as the trademark owner, filed the relevant European Union trademark applications. The identical dates of the trademark applications and the disputed domain registrations are evidence of this fact. The Complainant's trademarks are fanciful, results of creative name creations of the Complainant, which were not made public until the trademark applications were filed, therefore, it is inconceivable and impossible that the Respondent created exactly the same words in order to register them as the disputed domain names, exactly at the same time as the trademark applications were filed (i.e., made public). Moreover, the registrations of the disputed domain names were made without any intention of use, as the disputed domain names were immediately listed on domain trading sites (e.g., GoDaddy), moreover the disputed domain names directly redirected to the GoDaddy webpage where they were offered for sale for more than its out-of-pocket costs, with a premium mark-up, at the following prices: USD 2,850.18. The disputed domain names were offered for sale on the webpage of the Registrar as well for EUR 2,759.81. The Respondent has previously been involved in cases in which there is evidence of a pattern of cybersquatting, such as *Dragonsteel, LLC v. web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace****, WIPO Case No. [D2024-2445](#), *Belfius Bank SA / Belfius Bank NV v. web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace****, WIPO Case No. [D2024-1473](#), *Le Duff Industries v. web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace****, WIPO Case No. [D2024-1132](#), and *Belfius Bank SA / Belfius Bank NV v. web master, Expired domain caught by auction winner. ***Maybe for sale on Dynadot Marketplace****, WIPO Case No. [D2023-4044](#).

B. Respondent

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

6. Discussion and Findings

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 trademarks 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 applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards the gTLD ".com" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

In cases where a domain name incorporates the entirety of a trademark the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing. The Panel finds that in the present case the disputed domain name <symplisept.com> incorporates the entirety of the Complainant's trademark SYMPLISEPT, and the disputed domain name <sympplitex.com> incorporates the entirety of the Complainant's trademark SYMPLITEX. Thus, the disputed domain names are identical to the respective Complainant's trademarks. [WIPO Overview 3.0](#), section 1.7.

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 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.

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 available evidence also shows that both disputed domain names redirected to GoDaddy's website offering them for sale for USD 2,850.18 on the day of filing of the Complaint. Such use, under the circumstances of this case, does not constitute a bona fide offering of goods or services nor a legitimate noncommercial of fair use of the disputed domain names.

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 registered the disputed domain names which are identical to the respective Complainant's trademarks exactly on the same dates that the Complainant filed the respective trademark applications. Under the circumstances of this case, it is more likely than not that the Respondent's intent in registering the disputed domain names was to unfairly capitalize on the Complainant's nascent trademark rights, therefore, the Panel finds on balance that the Respondent registered the disputed domain names in bad faith. [WIPO Overview 3.0](#), section 3.8.2.

Paragraph 4(b) of the Policy provides that any one of the following non-exclusive scenarios constitutes evidence of a respondent's bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

In this regard, the Panel finds that at least the first and the second of the above scenarios apply to the present case, since the disputed domain names are used only to redirect Internet users to third party websites offering the disputed domain names for sale for valuable consideration most likely in excess of the Respondent's out-of-pocket costs directly related to the disputed domain names. Also, the Respondent was previously involved in a pattern of conduct to prevent trademark owners from reflecting their trademarks in corresponding domain names as per other previous UDRP decisions under section 5.A. The Panel finds this confirms the bad faith.

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 <symplisept.com> and <symplitex.com> be transferred to the Complainant.¹

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: March 30, 2025

¹The Panel notes that at the time of the decision both disputed domain names appear to be active. However, the disputed domain name <symplitex.com> shows the redemptionPeriod status in its Whois details. The Parties were timely informed regarding the expiry and status of this disputed domain name by the Center (also visible in the Whois records) and invited to coordinate with the Registrar to renew this disputed domain name. For the reasons above, the Panel finds it appropriate to proceed with a decision against both disputed domain names, but notes that the status of the disputed domain name <symplitex.com> and implementation of the decision are matters for the concerned Registrar and Parties.