

ADMINISTRATIVE PANEL DECISION

Besins Manufacturing Belgium S.A. v. MaroonX Technologies
Case No. D2025-0692

1. The Parties

The Complainant is Besins Manufacturing Belgium S.A., Belgium, represented by Sybarius, Belgium.

The Respondent is MaroonX Technologies, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <besinsmanufacturing.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 20, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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 (DOMAIN ADMIN) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 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 February 26, 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 March 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Petra Pecar as the sole panelist in this matter on April 14, 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 pharmaceutical company established in 1949, and part of the Besins Healthcare group. The Besins Healthcare group achieves an annual turnover of over EUR 500 million, maintains a presence in 22 countries, and employs more than 1,500 individuals worldwide.

Besins Healthcare Luxembourg S.A.R.L. is the owner of the International word trademark BESINS, Registration No. 1067859, registered on January 24, 2011, for goods in Class 5. Besins Healthcare Luxembourg S.A.R.L. has licensed the Complainant to use the trademark in connection with its business activities.

According to the Complaint, Besins Healthcare group, to which the Complainant belongs, owns several domain names incorporating the trademark BESINS, among others <besins.com>, <besins-healthcare.com>, <besins-healthcare.fr>, <academiabesins.mx>, <besins-healthcare.de>, <besins-healthcare.asia>, <besins-international.com>.

The disputed domain name was registered on May 16, 2024, and at the time the Complaint was filed, it resolved to an inactive webpage. The Complainant has submitted evidence showing that the disputed domain name had previously resolved to a website allegedly operated by “Besins Manufacturing Belgium S.A. on behalf of its businesses.” The website displayed the Complainant’s corporate address and company number.

The Respondent is reportedly located in the United States.

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 trademark BESINS, to which it holds licensed rights. The Complainant highlights that the mark BESINS is clearly recognizable within the disputed domain name, and the addition of other terms does not prevent a finding of confusing similarity. This similarity is reinforced by the Complainant’s long-standing use of its trade name since 1949 and its strong presence in the pharmaceutical industry.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized to use the BESINS trademark, is not commonly known by the disputed domain name, and has no trademark rights in BESINS or “besins manufacturing”. The Respondent used the disputed domain name to create a fraudulent website copying the Complainant’s content and offering pharmaceutical products illegally. The Complainant and its group own numerous domain names incorporating BESINS trademark, and the Respondent’s actions show no legitimate interests in the disputed domain name.

The Complainant contends that the disputed domain name was registered and used in bad faith. The Respondent registered the disputed domain name confusingly similar to the well-known BESINS trademark and the Complainant’s trade name Besins Manufacturing Belgium. The Respondent also used the disputed domain name to operate a fraudulent website impersonating the Complainant, reproducing its official details and misleading Internet users to attract them for commercial gain. Although the website has been taken offline, the Respondent remains the holder of the disputed domain name, evidencing ongoing bad faith.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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 by the Respondent in bad faith.

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 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 BESINS trademark 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.

Although the addition of other terms, here "manufacturing", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, it is well accepted practice by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take into consideration the gTLD ".com" when assessing confusing similarity of the disputed domain name.

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.

According to the Complainant, it appears that the Respondent is not affiliated or connected with the Complainant in any manner, nor have the Complainant or the trademark holder Besins Healthcare Luxembourg S.A.R.L. granted the Respondent any license or authorization to use or register a domain name incorporating the Complainant's BESINS trademark. The Respondent has also failed to respond to the Complaint, thereby failing to provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name. Furthermore, there is no evidence indicating that the Respondent has engaged in any legitimate or bona fide use of the disputed domain name, either for commercial or noncommercial purposes, as the disputed domain name, at the time the Complaint was filed, resolved to an inactive webpage. Moreover, the Complainant has presented evidence that the disputed domain name had previously resolved to a website claiming to be operated by the Complainant and featuring its postal address and company information, which supports a finding that the Respondent has no legitimate rights or interests in the disputed domain name.

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

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 observes that the Respondent's disputed domain name consists of a combination of the BESINS trademark and the additional element "manufacturing" and the gTLD ".com". The registration of the disputed domain name, which incorporates the Complainant's BESINS trademark and additional term "manufacturing" related to the Complainant's business activity, indicates the Respondent's awareness of the Complainant and its BESINS trademark. Regarding bad faith at the time of registration, the Panel finds that the Respondent was aware of the Complainant's rights in the BESINS trademark when the disputed domain name was registered since the disputed domain name previously resolved to a website claiming to be operated by the Complainant "on behalf of its businesses." The disputed domain name was designed to create a misleading association with the Complainant and its activities, with the Complainant's trademark predating the registration of the disputed domain name by approximately 13 years. Consequently, the Panel concludes that the disputed domain name was registered in bad faith.

The Complainant provided evidence that the Respondent used the disputed domain name to pass itself off as the Complainant. Panels have held that the use of a domain name for 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 name 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 name <besinsmanufacturing.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: April 28, 2025