

ADMINISTRATIVE PANEL DECISION

Sanofi v. zhou ba pi, a shi da shi da shi da shi da shi
Case No. D2025-0819

1. The Parties

The Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

The Respondent is zhou ba pi, a shi da shi da shi da shi da shi, China.

2. The Domain Name and Registrar

The disputed domain name <sanofi.bar> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 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 sent an email communication in Chinese and English to the Complainant on March 7, 2025, providing the registrant and contact information disclosed by the Registrar. The Complainant filed an amendment to the Complaint in English on March 12, 2025.

On March 7, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On March 12, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on March 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 9, 2025.

The Center appointed Jacob Changjie Chen as the sole panelist in this matter on April 17, 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, a French pharmaceutical company, engages in research and development, manufacturing and marketing of pharmaceutical products for sale, principally in the prescription market, but also develops over-the-counter medication. Historically, the Complainant was formed as Sanofi-Aventis in 2004 by the merger of Aventis and Sanofi-Synthélabo and changed its name to Sanofi in May 2011.

The Complainant is ranking the world's fourth largest multinational pharmaceutical company by prescription sales, with presence in more than 100 countries on all 5 continents and 100,000 employees.

The Complainant is the owner of the following SANOFI registrations:

- International Trademark No. 591490, registered on September 25, 1992, in Class 5;
- International Trademark No. 674936, registered on June 11, 1997, in Classes 3 and 5;
- International Trademark No. 1094854, registered on August 11, 2011, in Classes 3 and 5; and
- International Trademark No. 1092811, registered on August 11, 2011, in Classes 1, 9, 10, 16, 38, 41, 42 and 44.

In addition, the Complainant owns, among others, domain names <sanofi.com> registered on October 13, 1995, <sanofi.org> registered on July 12, 2001, <sanofi.info> registered on August 24, 2001, <sanofi.biz> registered on November 17, 2001, <sanofi.net> registered on May 16, 2003, <sanofi.mobi> registered on June 20, 2006, and <sanofi.tel> registered on March 17, 2011.

The disputed domain name was registered on February 8, 2025, and resolves to an inactive webpage.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the disputed domain name.

Notably, the Complainant contends that:

- The disputed domain name is an exact reproduction of the highly distinctive SANOFI trademark and therefore confusingly similar to the SANOFI trademark, regardless of the generic Top-Level Domain ("gTLD") extension.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never licensed nor authorized the Respondent to use its trademark or register any domain name incorporating the trademark. The Respondent is not making legitimate noncommercial or fair use of the

disputed domain name nor is using the disputed domain name in connection with a bona fide offering of goods or services.

- The disputed domain name was registered and is being used in bad faith. Given the famous and distinctive nature of the SANOFI trademark, the Respondent is likely to have had constructive, if not actual notice, as to the existence of the trademark at the time of registering the disputed domain name, which suggests opportunistic bad faith. The disputed domain name resolves to an inactive website and such passive holding falls within the concept of use in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is registered in Latin characters rather than Chinese script, followed by a mere generic English extension, and if the Complainant were to submit all documents in Chinese, the administrative proceeding would be unduly delayed and the Complainant would have to incur substantial expenses for translation.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 identical to the mark for the purposes of the Policy. [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 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. Furthermore, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name is inactive and resolves to an inactive webpage. As such, there is no evidence showing that the Respondent has used or is preparing to use the disputed domain name in connection with a bona fide offering of goods or services. The non-use status also does not confer any rights or legitimate interests over the disputed domain name under the circumstances of this case.

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, in view of the worldwide reputation of the Complainant and the distinctive nature of the SANOFI trademark, the Panel finds that the Respondent knew or should have known the SANOFI trademark at the time of registering the disputed domain name. In absence of any rights or legitimate interests, registration of the disputed domain name which is identical to the famous SANOFI trademark suggests opportunistic bad faith and makes it appropriate for the Panel to find that the disputed domain name was registered 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.

As to the use of the disputed domain name, the Panel notes that it resolves to an inactive webpage. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a

finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name (which is identical to the Complainant's SANOFI trademark), and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Additionally, the Respondent did not respond and rebut contentions of the Complainant. This further affirms a finding of bad faith of the Respondent in registering and using 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 <sanofi.bar> be cancelled.

/Jacob Changjie Chen/

Jacob Changjie Chen

Sole Panelist

Date: April 30, 2025