

ADMINISTRATIVE PANEL DECISION

BioNTech SE v. Winfred Afeaneku

Case No. D2025-0868

1. The Parties

The Complainant is BioNTech SE, Germany, represented by MSA IP & Milojevic Sekulic & Associates, Serbia.

The Respondent is Winfred Afeaneku, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cominraty.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2025. On March 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 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 (“Privacy service provided by, Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 4, 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 March 9, 2025.

The Center verified that the Complaint [together with the amendment to the Complaint/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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 1, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on April 4, 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 was founded in 2008 and is a biotechnology company. It develops and manufactures active immunotherapies for patient-specific approaches to the treatment of diseases, which include pharmaceutical candidates based on messenger RNA (mRNA) for use, inter alia, as individualized cancer immunotherapies and as vaccines against infectious diseases. The company focuses on developing cancer therapeutics, including individualized immunotherapy, as well as vaccines for infectious diseases, including COVID-19 (together with US pharmaceutical company Pfizer).

In addition, the Complainant has a strong global media presence due to the fact that back in 2020 they were one of a few companies which have developed a COVID-19 vaccine in response to the growing global health crisis. In cooperation with Pfizer, they started "Project Lightspeed" and developed a successful vaccine known in the media as the Pfizer/BioNTech Covid-19 vaccine, which is sold under the mark COMIRNATY.

The Complainant is the owner of the trademark COMIRNATY including the following:

- International Trademark Registration No. 1544862 for COMIRNATY registered on June 23, 2022 and covering goods in class 5;
- EU Trademark Registration No. 018247442 for COMIRNATY registered on October 7, 2020 and covering goods in class 5;
- US Trademark Registration No. 6312239 for COMIRNATY registered on April 6, 2021 and covering goods in class 5;
- German Trademark Registration No. 302020107258 for trademark COMIRNATY registered on June 11, 2020 and covering goods in class 5;
- UK Trademark Registration No. 00918247442 for trademark COMIRNATY registered on October 7, 2020 and covering goods in class 5.

In addition, Complainant and Pfizer Inc. (Complainant's partner in development and distribution of COMIRNATY COVID-19 vaccine) are registrants of a number of domain names, many of which incorporate the Complainant's COMIRNATY trademark.

The disputed domain name was registered on October 18, 2024. The disputed domain name is currently not in use. However, before the disputed domain name used to resolve to a website under the name "Cominraty" which on its home page offered internet users the opportunity to subscribe for news and offers by submitting their name and email address. The disputed domain name also contained an online shop.

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.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (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 in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See [WIPO Overview 3.0](#), section 4.3.

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 trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable 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.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. In this case, the Respondent has merely switched places within the disputed domain name or the letter "r" and "n".

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 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 disputed domain name <cominraty.com> is confusingly similar to Complainant well-known trademark COMIRNATY.
- the disputed domain name incorporates the Complainant's trademark COMIRNATY with an obvious misspelling, where the letters "r" and "n" from the COMIRNATY trademark have merely switched places within the disputed domain name.
- previous panels have found that COMIRNATY trademark is well-known (*BioNTech SE v. Dean Purvis, Creative Tinder*, WIPO Case No. [D2022-4892](#)).
- The disputed domain name <cominraty.com> was registered on October 18, 2024, through a privacy shield.
- the Respondent is in default.

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.

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 or reputation of the Complainant's trademark, and the composition of the disputed domain name, 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.

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 <cominraty.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: April 21, 2025