

ADMINISTRATIVE PANEL DECISION

Besins Manufacturing Belgium S.A. v. Levant Tech
Case No. D2025-1039

1. The Parties

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

The Respondent is Levant Tech, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <besinsmanufacturingsa.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 12, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 17, 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 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 Besins Manufacturing Belgium S.A., a pharmaceutical company established on December 27, 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 verbal trademark BESINS, Registration No. 1067859, registered on January 24, 2011, for goods in Class 5, designated, among others, for the United States. Besins Healthcare Luxembourg S.A.R.L. has authorized the Complainant to use the trademark in connection with its business activities.

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 5, 2024, and at the time the Complaint was filed, it resolved to an impersonating webpage copying Complainant's contact details, identifiers, (name, registered office address, BCE number and VAT number, etc.), as well as detailed information about its alleged activities, its products, its governance and its values.

The Respondent is located in 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 submits that the disputed domain name <besinsmanufacturingsa.com> fully incorporates its BESINS trademark. The mere addition of other terms does not eliminate similarity where the trademark remains clearly recognizable. The Complainant further asserts that the disputed domain name <besinsmanufacturingsa.com> substantially reproduces its corporate name Besins Manufacturing Belgium, which has been in continuous use since 1949 and has acquired a significant reputation in the pharmaceutical sector.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized to use the Complainant's trademarks, is not commonly known by the disputed domain name, and has used it to operate a fraudulent website imitating the Complainant. The Respondent holds no trademark rights, and its unauthorized actions confirm the absence of any rights or legitimate interests in the disputed domain name.

The Complainant asserts that the Respondent registered and used the disputed domain name in bad faith. The disputed domain name is confusingly similar to the Complainant's licensed BESINS trademark and trade name Besins Manufacturing Belgium. The Respondent operated a fraudulent website using the Complainant's details to mislead users for commercial gain. Although the website was taken down, the Respondent retains ownership of the disputed domain name, confirming 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 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 "manufacturing", descriptive of the company's business activity, and "sa", indicating a joint-stock company (Société Anonyme), may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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, 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 noncommercial or bona fide use of the disputed domain name. The Complainant has presented evidence linking the disputed domain name to a fraudulent website imitating the Complainant, which supports a finding that the Respondent has no rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for impersonation 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, <besinsmanufacturingsa.com>, is composed of the Complainant's BESINS trademark together with the term "manufacturing," which describes the Complainant's business activities, and the abbreviation "sa," which refers to the company form Société Anonyme, followed by the gTLD ".com". The incorporation of the term "manufacturing" and the reference to the company form "sa" provide a more accurate and thorough representation of the Complainant's operations.

The Panel finds that the registration of the disputed domain name, which reproduces the Complainant's BESINS trademark together with additional elements directly related to the Complainant's business, indicates the Respondent's clear awareness of the Complainant and its trademark rights. 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, as the disputed domain name closely imitated the Complainant's official website. The Complainant's trademark predates the registration of the disputed domain name by approximately 13 years, further reinforcing the inference of bad faith.

Moreover, the Complainant has provided evidence that the Respondent used the disputed domain name to imitate the Complainant's website without authorization. Panels have consistently held that the use of a domain name to for impersonation constitutes use in bad faith ([WIPO Overview 3.0](#), section 3.4). Upon review of the record, the Panel finds that both the registration and use of the disputed domain name by the Respondent constitute bad faith under the Policy.

Furthermore, the Respondent has established a fraudulent website under the disputed domain name falsely presenting itself as the Complainant. This fraudulent website reproduces all of the Complainant's official contact details and corporate identifiers, including its name, registered office address, Belgian Company Register (BCE) number, and VAT number. It also presents detailed information regarding the Complainant's alleged activities, its products, its governance structure, and its corporate values. Additionally, the website provides a telephone number and a contact email address, enabling "interested parties" or "customers" to communicate with the site's operators or leave their contact information for further contact. Such conduct further evidences the Respondent's intent to deceive consumers, misappropriate the Complainant's goodwill, and exploit the BESINS trademark for illegitimate purposes.

Accordingly, the Panel concludes that the disputed domain name was registered and is being used in 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 name <besinsmanufacturingsa.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: April 28, 2025