

## **ADMINISTRATIVE PANEL DECISION**

Eli Lilly and Company v. Malu ksfe, adriano coutinho  
Case No. D2025-1048

### **1. The Parties**

The Complainant is Eli Lilly and Company, United States of America ("USA"), represented by Faegre Drinker Biddle & Reath, USA.

The Respondents are Malu ksfe and adriano coutinho, Brazil.

### **2. The Domain Names and Registrars**

The disputed domain name <imounjaroo.life> is registered with GoDaddy.com, LLC (the "First Registrar").

The disputed domain name <canetamonjaro.site> is registered with Hostinger Operations, UAB (the "Second Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 13, 2025. On March 14, 2025, the Center transmitted by emails to the First and Second Registrar requests for registrar verification in connection with the disputed domain names. On March 14, 2025, the First Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <imounjaroo.life> which differed from the named Respondent (Registration Private, DomainsByProxy.com) and contact information in the Complaint. On March 17, 2025, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <canetamonjaro.site> which differed from the named Respondent (Registration Private, DomainsByProxy.com) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 17, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file a separate complaint for one of the disputed domain name with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amendment to the Complaint on March 19, 2025.

The Center verified that the Complaint together with the amendment to the Complaint (the “Complaint” or 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 16, 2025.

The Center appointed Mladen Vukmir as the sole panelist in this matter on April 25, 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 Eli Lilly and Company, a USA corporation engaged in the manufacturing and sale of pharmaceutical products.

The Complainant is the owner of numerous MOUNJARO trademarks registered in various jurisdictions, including MOUNJARO trademark registered in USA on August 2, 2022, under the registration number 6,809,369, for goods in class 5 of International Classification (“IC”), and MOUNJARO trademark registered in the European Union on September 8, 2020, under the registration number 018209187 for goods in class 5 of IC (“MOUNJARO trademark”).

The Complainant is the owner of the domain name <mounjaro.com> registered on October 21, 2019, which redirects to the Complainant’s domain name <mounjaro.lilly.com>. The website created under said Complainant’s domain name has been in use since at least May 17, 2022, and provides information about the Complainant’s product.

The disputed domain names were registered on January 21 and 22, 2025. According to the evidence submitted by the Complainant, both disputed domain names resolved to websites where the Complainant’s MOUNJARO logo has been displayed, and the Complainant’s product at a 90% discount has been offered. The disputed domain name <imounjaroo.life> currently displays an “Account suspended” message, while the disputed domain name <canetamonjaro.site> resolves to a “Forbidden” page.

#### **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:

(i) The Complainant, Eli Lilly and Company, is a USA pharmaceutical corporation based in Indianapolis, Indiana, and the developer of the diabetes medication MOUNJARO, which has generated over USD 11.5 billion in revenue as of 2024. The Complainant has obtained at least 90 trademark registrations and 24 pending applications for MOUNJARO or its foreign equivalents in approximately 60 jurisdictions, along with 24 registrations and 25 pending applications for the MOUNJARO logo across multiple countries.

(ii) the disputed domain names are confusingly similar to the Complainant’s distinctive MOUNJARO

trademark, which it has used and registered since 2019, well before the Respondent's disputed domain name registrations in 2025. The Complainant argues that slight misspellings and the addition of generic terms such as "caneta" and "i" do not avoid confusing similarity, particularly given the global recognition and strong distinctiveness of the MOUNJARO trademark.

(iii) the Respondent lacks rights or legitimate interests in the disputed domain names, which resolve to deceptive websites impersonating the Complainant and offering heavily discounted MOUNJARO products, likely counterfeit or unauthorized. The Respondent is not known by the disputed domain names, provides no contact details or disclaimers, and was never authorized to use the Complainant's mark. Given the misleading use, no legitimate interest can be claimed.

(iv) the disputed domain names were registered and are being used in bad faith. The Complainant asserts that its MOUNJARO trademark is widely recognized and that the Respondent had knowledge of the MOUNJARO trademark when registering the disputed domain names, which are deliberate misspellings combined with generic terms. The Respondent allegedly impersonates the Complainant by presenting itself as the "Mounjaro Team" and offering counterfeit or grey market goods at steep discounts, thereby misleading consumers and trading on the Complainant's goodwill for commercial gain. The Respondent has registered two disputed domain names incorporating the Complainant's MOUNJARO trademark and provided false Whois information, including fictitious names, non-existent addresses, and inconsistent email addresses and identity details.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not respond to the Complaint, and thus did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether: (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all the Parties (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.).

As regards the common control, the Panel believes that the Complainant's request to consolidate the proceedings involving the two disputed domain names is well founded. Although the registrars have identified different contact information for the registrants, and there is no conclusive direct evidence of the common control, the Panel is of the view that the Complainant has provided sufficient overall evidence to support a finding of common control. The disputed domain names were registered just one day apart, suggesting a coordinated effort. Both websites created under the disputed domain names use identical content, including the same layout, graphics, prominently displaying the MOUNJARO brand, and providing matching customer surveys offering alleged discounts, indicating a single source of content. The disputed domain names incorporate similar variations of the Complainant's trademark, pointing to a shared intent to

target the same rights holder. Both are also protected by privacy services, which may indicate an effort to obscure the ownership. According to available information, both Respondents appear to be located in the same country, Brazil, and neither has replied to the Complainant's allegations.

As regards fairness and equity, the Panel finds no reason why consolidation of the disputes would be unfair or inequitable to any Party. Rather, the Panel holds that it would be unfair to the Complainant to rule against the consolidation request and increase the costs of the UDRP procedures in the situation where many aspects indicate the same source of the disputed domain names.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

### **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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds MOUNJARO trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that both disputed domain names are confusingly similar to the Complainant's MOUNJARO mark, for the following reasons:

With respect to the disputed domain name <canetamonjaro.site>, the Panel finds that the term "monjaro" in said disputed domain name is a misspelling of the Complainant's MOUNJARO mark, differing by a single letter. As noted in section 1.9 of the [WIPO Overview 3.0](#), panels have consistently found that domain names incorporating typographical errors or phonetic misspellings of a complainant's mark are confusingly similar, particularly where the disputed domain retains the dominant portion of the mark with only minor alterations. In this case, the term "monjaro" used in the disputed domain name omits the letter "u" from the MOUNJARO trademark which does not prevent a finding of confusing similarity. The addition of the word "caneta," which means "pen" in Portuguese, also does not prevent a finding of confusing similarity. As outlined in section 1.8 of the [WIPO Overview 3.0](#), the inclusion of dictionary terms or other descriptive wording in addition to a complainant's mark does not prevent a finding of confusing similarity, especially when the trademark remains recognizable.

With respect to the disputed domain name <imounjaroo.life>, it incorporates a misspelled version of the Complainant's MOUNJARO mark, here, by inserting the prefix "i" and appending an extra "o" at the end to form the term "imounjaroo." The Panel believes that these minor deviations do not prevent a finding of confusing similarity. The recognizable core of the Complainant's mark remains recognizable within the disputed domain name. In line with section 1.9 of the [WIPO Overview 3.0](#), such slight alterations still support a finding of confusing similarity. The prefix "i" is commonly used online to denote digital or Internet-related services. It does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark (see also section 1.8 of the [WIPO Overview 3.0](#)).

The addition of the generic Top-Level Domains ("gTLDs") ".site" and ".life" are irrelevant in assessing confusing similarity. As confirmed in section 1.11 of the [WIPO Overview 3.0](#), gTLDs are typically disregarded under the first element of the Policy.

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 Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not commonly known by the disputed domain names, nor is using them for a bona fide offering of goods or services or for any legitimate noncommercial or fair use. Instead, the Respondent is using the disputed domain names to impersonate the Complainant and to offer what appear to be the Complainant’s products at an unusually steep discount of 90%, strongly suggesting the goods may be counterfeit or unauthorized. The websites make no effort to disclose the Respondent’s lack of affiliation with the Complainant and misleadingly incorporate the Complainant’s brand and logo, which creates a false impression of endorsement or official connection. Further, the Respondent has concealed its identity, failed to provide any contact information, and uses a privacy service, all of which raise additional concerns about its intentions. The absence of identifying details, combined with unauthorized use of the Complainant’s branding and the nature of the products offered, confirms that the Respondent has no rights or legitimate interests in the disputed domain names.

Panels have held that the use of a domain name for illegal activity, here claimed as the sale of counterfeit goods or illegal pharmaceuticals, and 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.

The Panel agrees that MOUNJARO trademark is distinctive, and well-known, as previously recognized in earlier UDRP decisions. The Panel finds that MOUNJARO is an invented term that is inherently distinctive and widely recognized as identifying the Complainant’s pharmaceutical product.

In the present case, the Respondent’s actions regarding the registration and use of the disputed domain names demonstrate bad faith.

The Complainant’s trademarks were registered well before the disputed domain names, and the Respondent

has never received authorization from the Complainant to use the MOUNJARO trademark or to register the disputed domain names.

Having in mind the nature and use of the disputed domain names, the Panel is of opinion that the Respondent registered both <canetamonjaro.site> and <imounjaroo.life> with full knowledge of the Complainant's well-known MOUNJARO trademark and is using the disputed domain names to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's MOUNJARO trademark.

The Respondent's websites prominently display the MOUNJARO logo and styling, impersonate the "Mounjaro Team," and offer the Complainant's product at a 90% discount, strongly suggesting counterfeit or unauthorized goods. The timing of registration (one day apart), the common website content and design, and the use of privacy shielding to conceal true ownership all considered lead to a conclusion of 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.

Panels have held that the use of a domain name for illegal activity, here, claimed as the sale of counterfeit goods or illegal pharmaceuticals, and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Taking into account the Respondent's registration of two domain names incorporating the Complainant's mark, the lack of a plausible legitimate use, the failure to respond to the Complaint, and the Respondent's apparent use of the disputed domain names to promote possibly counterfeit products of the Complainant, the Panel finds that the Respondent has registered and is using the disputed domain names in 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 names <canetamonjaro.site> and <imounjaroo.life> be transferred to the Complainant.

*/Mladen Vukmir/*

**Mladen Vukmir**

Sole Panelist

Date: May 9, 2025