

ADMINISTRATIVE PANEL DECISION

Boehringer Ingelheim Pharma GmbH & Co.Kg. v. 陈睿清 (Chen Rui Qing)
Case No. D2025-1061

1. The Parties

The Complainant is Boehringer Ingelheim Pharma GmbH & Co.Kg., Germany, represented by Nameshield, France.

The Respondent is 陈睿清 (Chen Rui Qing), China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 14, 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 disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 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 in English on March 20, 2025.

On March 20, 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 20, 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 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 in English and Chinese of the Complaint, and the proceedings commenced on March 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2025.

The Center appointed Francine Tan 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 is a family-owned pharmaceutical group of companies founded in 1885 by Albert Boehringer in Ingelheim am Rhein, Germany. Since then, the Complainant has become a global research-driven pharmaceutical enterprise and has today over 53,000 employees. In 2023, net sales of the group of companies amounted to about EUR 25.6 billion.

The Complainant states that it owns a large portfolio of trademark registrations including for BOEHRINGER-INGELHEIM and BOEHRINGER INGELHEIM. These registrations include:

- International trademark registration No. 221544 for BOEHRINGER-INGELHEIM., registered since July 2, 1959; and
- International trademark registration No. 568844 for BOEHRINGER INGELHEIM, registered since March 22, 1991.

The Complainant owns various domain names, including its primary domain name <boehringer-ingelheim.com>, registered on September 1, 1995.

The disputed domain name was registered on March 11, 2025, and resolved to an inactive website.

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 BOEHRINGER INGELHEIM/BOEHRINGER-INGELHEIM. trade marks (the "Complainant's Mark") in which it has rights. The disputed domain name consists of the Complainant's Mark in its entirety with the deletion of the letter "I" in "ingelheim". This is typical of typosquatting practices, which does not prevent a finding of confusing similarity with the Complainant's Mark. The addition of the generic Top-Level Domain ".com" does not change the overall impression of the disputed domain name and does not prevent the likelihood of confusion between the disputed domain name and the Complainant's Mark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name and is not affiliated with or authorized by the Complainant in any way to use the Complainant's Mark. The Respondent does not carry out any activity for, nor does he have any business with the Complainant. The Complainant has never granted any license or authorized the Respondent to use the BOEHRINGER INGELHEIM trade mark in any way, including registering the disputed domain name. The typosquatted nature of the disputed domain name is evidence

that the Respondent intended to take advantage of Internet users' typographical errors when searching for the Complainant's webpage. The disputed domain name is also inactive, and the Respondent has not made any use of it since its registration, which is evidence that the Respondent has no plans to use the disputed domain name, and demonstrates a lack of legitimate interests in respect of the disputed domain name.

- The disputed domain name was registered and is being used in bad faith. Given the distinctiveness and reputation of the Complainant's Mark, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's Mark. The typosquatted nature of the disputed domain name was intentionally designed to be confusingly similar to the Complainant's Mark, which is evidence of bad faith. The disputed domain name is also inactive, and the Respondent has not demonstrated any activity in respect of the disputed domain name. This is also evidence of bad faith. It is also not possible to conceive of any plausible actual or contemplated use of the disputed domain name that would not be illegitimate. Further, the incorporation of a famous mark in conjunction with an inactive webpage is evidence of bad faith. The fact that the mail exchange ("MX") records of the disputed domain name have been set up, which suggests that it may be used for sending fraudulent emails, is evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

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:

- English is the language most widely used in international relations and is one of the working languages of the Center;
- The disputed domain name is formed by words in Roman characters and not in the Chinese scripts; and
- In order to proceed in Chinese, the Complainant would have to retain specialized translation services at a cost very likely to be higher than the overall cost of these proceedings. The use of Chinese in this case would therefore impose a burden on the Complainant which must be deemed significant in view of the low cost of these proceedings.

The Respondent did not make any 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.

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 Mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trade mark BOEHRINGER INGELHEIM/BOEHRINGER-INGELHEIM. for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Practically the entirety of the Complainant's Mark is reproduced within the disputed domain name. The omission of the letter "l" before the term "heim" in the Complainant's Mark is minor in nature and appears to be intentional. This constitutes a typical case of typosquatting as the disputed domain name contains sufficiently recognizable aspects of the Complainant's Mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

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* case with any evidence demonstrating that he has rights or legitimate interests in the disputed domain name. The Respondent was not licensed or authorized by the Complainant to use the Complainant's Mark or to register a domain name incorporating the Complainant's Mark. The disputed domain name resolves to an inactive webpage, and there is no evidence that the Respondent is using or preparing to use it for any legitimate noncommercial or fair use, without intent for commercial gain. Further, the fact that the Respondent did not file any response in this proceeding is indicative that he does not have any rights or legitimate interests in the disputed domain name. In any event, the Complainant's Mark is well known, and exclusively associated with the Complainant. Accordingly, it is not conceivable that the Respondent would be able to demonstrate that he has rights or legitimate interests in the disputed domain name.

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 disputed domain name incorporates the entirety of the Complainant's Mark with the omission of the letter "l". The Complainant's Mark has been registered for many years. Given that length of time of

registration and the distinctiveness and reputation of the Complainant's Mark, the Panel concludes that the Respondent must have known of the Complainant's Mark at the time he registered the disputed domain name and specifically targeted it. Further, the omission of the letter "l" in the disputed domain name was clearly a deliberate attempt to capitalize on the likely typographical mistake that Internet users would make when searching for the Complainant's website. The fact that the MX records of the disputed domain name have been set up suggests that the Respondent may attempt to impersonate the Complainant or to use the email for phishing or other fraudulent purposes.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, [...] and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. The Panel finds that that the disputed domain name has been registered and used in bad faith notwithstanding the Respondent's passive holding thereof.

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 <boehringeringeheim.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: May 1, 2025