

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. wasim akram

Case No. D2025-1141

1. The Parties

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

The Respondent is wasim akram, Kuwait.

2. The Domain Name and Registrar

The disputed domain name <mounjaroku.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 19, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 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 amendment to the Complaint on March 25, 2025.

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 of the Complaint, and the proceedings commenced on March 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. The Respondent did not submit any response before the due date. Accordingly, the Center notified the Respondent's default on April 18, 2025. After the Center notified the Respondent's default, the Respondent sent an email communication to the Center on April 19, 2025.

The Center appointed Mladen Vukmir as the sole panelist in this matter on April 29, 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 corporation organized under the laws of the State of Indiana, USA, with a principal place of business in Indianapolis, Indiana. The Complainant is engaged in manufacturing and sale of pharmaceutical products. The Complainant's Mounjaro product is an injectable pharmaceutical product for the treatment of type 2 diabetes, approved by the United States Food and Drug Administration on May 13, 2022.

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 is used to advertise and provide information regarding the Complainant's Mounjaro product.

The disputed domain name was registered on September 28, 2024, and resolves to a website where the Complainant's Mounjaro product is being offered for sale through unauthorized channels, such as WhatsApp, without the required prescription, and without disclosing the Respondent's true identity or its lack of a relationship with the Complainant.

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:

(i) The Complainant is 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 name is confusingly similar to the Complainant's distinctive and widely recognized MOUNJARO trademark, which it has used and registered since 2019, well before the Respondent's disputed domain name registration in 2024. The Complainant argues the disputed domain name consist of highly distinctive MOUNJARO trademark and the geographic term "ku";

(iii) The Respondent has no rights of legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is using the disputed domain name in connection with a bona fide offering of goods and services nor making a legitimate noncommercial or fair use of the disputed domain name. The Respondent has registered the disputed domain name with a privacy-shielding service and has used the disputed domain name to direct Internet traffic to a website that

purports to sell the Complainant's product in Kuwait through unauthorized channels, such as WhatsApp, without the required prescription and without disclosing the Respondent's true identity or its lack of a relationship with the Complainant.

(iv) The disputed domain name has been registered and used in bad faith. The Complainant's MOUNJARO trademark is widely recognized and there can be no doubt that the Respondent registered the disputed domain name in the knowledge of the Complainant's MOUNJARO trademark. The Respondent is purporting to sell the Complainant's product without the apparent need for a prescription and through social media tools not equipped to handle the sale of highly regulated pharmaceuticals. The Respondent is using the Complainant's MOUNJARO trademark to drive Internet traffic to its website under the disputed domain name to profit from the sale of products sold through impermissible channels, all while concealing its identity. The content of the website associated with the disputed domain name such as use of the Complainant's MOUNJARO trademark misleads users into believing that there is an association between the Complainant and the website and serves as further evidence of an intentional attempt to attract Internet users to the disputed domain name for commercial gain in bad faith by creating a likelihood of confusion with MOUNJARO trademark. The Respondent's use of the Complainant's MOUNJARO trademark in the disputed domain name is potentially harmful to the health of unsuspecting consumers who may purchase products advertised through the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and therefore will be receiving safe and effective drugs approved by health authorities around the world.

B. Respondent

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

However, as mentioned under section 3 of this Decision, after the Center notified of the Respondent's failure to respond to the Complaint within the set deadline, the Respondent sent an informal email communication to the Center on April 19, 2025. In its email communication the Respondent apologized, stated that it does not know what the problem is, that it will delete the disputed domain name and asked for forgiveness.

6. Discussion and Findings

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 Panel finds MOUNJARO trademark 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.

The disputed domain name consists of MOUNJARO trademark followed by the addition of term "ku". Where the relevant trademark is recognizable within the disputed domain name, adding other terms (whether descriptive, geographical, meaningless, or otherwise), would not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ".com" is a standard registration requirement and as such may be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel concludes that the Complainant has met the requirements of paragraph 4(a)(i) of the Policy by proving its rights to the MOUNJARO trademark and demonstrating that the disputed domain name is confusingly similar to its MOUNJARO trademark.

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 Respondent is not authorized by the Complainant to use MOUNJARO trademark, and there is no indication that the Respondent is known under the disputed domain name. There is no apparent relation from the records between the Respondent and the Complainant, neither does it arise that the Complainant has ever licensed or otherwise permitted the Respondent to use its trademark, or to apply for or use any domain name incorporating the same trademark.

There is no evidence in the case file or otherwise apparent to the Panel that the Respondent has been using the disputed domain name in connection with bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent is using the disputed domain name to purportedly profit from the sale of the Complainant’s Mounjaro products through impermissible channels. The website makes no effort to disclose the Respondent’s lack of affiliation with the Complainant, which creates a false impression of endorsement or official connection. Further, the Respondent has concealed its identity using a privacy-shielding service. Together with other allegations, the absence of identifying details on the Respondent’s website, combined with unauthorized use of the Complainant’s branding and the nature of the products offered, reinforces the conclusion that the Respondent has no rights or legitimate interests in the disputed domain name. In addition, in its unofficial email communication of April 19, 2025, sent to the Center, the Respondent apologized, stated that it does not know what the problem is, that will delete the disputed domain name and asked for forgiveness.

Panels have held that the use of a domain name for illegal or fraudulent activity, here claimed as sale of gray market or illegal pharmaceuticals, 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 highly distinctive, 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 name, and the Respondent has never received authorization from the Complainant to use MOUNJARO trademark or to register the disputed domain name.

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

The disputed domain name resolves to a website that purports to sell the Complainant's Mounjaro pharmaceutical products without disclosing the Respondent's lack of a relationship with the Complainant. The impression given by the disputed domain name and this website could cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites in the sense of Policy, paragraph 4(b)(iv).

Panels have held that the use of a domain name for illegal or fraudulent activity, here claimed as sale of gray market or illegal pharmaceuticals, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <mounjaroku.com> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: May 13, 2025