

ADMINISTRATIVE PANEL DECISION

F. Hoffmann-La Roche AG v. web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***, mesut erdogan
Case No. D2025-1147

1. The Parties

Complainant is F. Hoffmann-La Roche AG, Switzerland, internally represented.

Respondents are web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***, Hong Kong, China, and mesut erdogan, Türkiye.

2. The Domain Names and Registrar

The disputed domain names <lifstuva.com>, <rehalynz.com>, <stuveyah.com> and <vyvhali.com> (hereinafter the “Disputed Domain Names”) are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On March 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint.

The Center sent an email communication to Complainant on March 24, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting that Complainant either file separate complaint(s) for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. 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 Respondents of the Complaint, and the proceedings commenced on April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on April 29, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on May 8, 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.

On May 26, 2025, the Panel issued Administrative Panel Procedural Order No. 1 ("Panel Order") regarding a Swiss trademark registration upon which Complainant relies. The due dates for the Parties' submissions were June 2 and June 5, 2025, respectively. On May 27, 2025, Complainant filed a submission in response to the Panel Order. Respondents did not file any comments or response.

4. Factual Background

Complainant (together with its affiliated companies) is a research-focused healthcare group that is prominent in the fields of pharmaceuticals and diagnostics. Complainant operates in more than 100 countries.

On December 10, 2024, Complainant applied in Switzerland to register four trademarks that it had selected for new pharmaceuticals that had not yet been distributed:

- VYVHALI, Switzerland Trademark Registration No. 824057 (Registered December 13, 2024)
- LIFSTUVA, Switzerland Trademark Registration No. 823952 (Registered December 11, 2024, cancelled March 24, 2025)
- STUVEYAH, Switzerland Trademark Registration No. 823953 (Registered December 11, 2024)
- REHALYNZ, Switzerland Trademark Registration No. 824056 (Registered December 13, 2024)

On December 10, 2024, within a few hours after the time that Complainant filed these applications, Respondents registered the Disputed Domain Names. There are no active websites associated with any of the Disputed Domain Names. All the Disputed Domain Names are offered for sale at approximately the same price:

- <vyvhali.com>: for sale at USD 2,750
- <lifstuva.com>: for sale at USD 2,988
- <stuveyah.com>: for sale at USD 2,850
- <rehalynz.com>: for sale at USD 2,850

5. Cancellation of the LIFSTUVA Trademark Registration

In the Panel Order dated May 26, 2025, the Panel disclosed that its independent investigation¹ revealed that Complainant had cancelled Switzerland Trademark Registration No. 823952 for LIFSTUVA. The Panel requested that Complainant investigate and confirm the cancellation and amend its Complaint if appropriate.

On May 27, 2025, Complainant responded to the Panel Order and confirmed that that LIFSTUVA registration had been cancelled effective March 24, 2025. Complainant explained that it agreed to cancel the registration after a third party (not Respondent) opposed the registration of LIFSTUVA. The Panel's investigation revealed that the referenced opposition pending as of March 13, 2025.

¹ WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.8.

Despite the cancellation, Complainant maintained its request that the disputed domain name <lifstuva.com> be transferred pursuant to the Policy.

As noted above, Respondents did not file a response to the Panel Order.

6. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Names.

B. Respondents

Respondents did not respond to the Complaint.

7. Discussion and Findings

Consolidation: Multiple Respondents

The amendment to the Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are the same entity, alter egos of each other, or under common control. 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 comment on 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 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 Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel finds that it is probable that the same or affiliated entities under common control registered all four of the Disputed Domain Names. All four of the Disputed Domain Names were registered on December 10, 2024, using the same Registrar. Furthermore, each of the four Disputed Domain Names is identical to a trademark that Complainant planned to use for a new pharmaceutical. Complainant applied to register all four of these trademarks in Switzerland on December 10, 2024, the same day that the four Disputed Domain Names were registered. The asking prices for all the Disputed Domain Names are nearly identical. The Panel finds that the persons or entities who registered these Disputed Domain Names were using the same method (monitoring Complainant's trademark filings and then quickly registering corresponding domain names) and coordinating their efforts.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel exercises its discretion to consolidate the disputes regarding the nominally different Disputed Domain Name registrants (referred to below as "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 Complainant's trademark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

For the purposes of the Policy paragraph 4(a)(i), Complainant has shown rights in respect of the following trademarks:

- VYVHALI
- STUVEYAH
- REHALYNZ

The Panel finds each of the Disputed Domain Names is identical to one of these three trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Disputed Domain Names were all registered after Complainant applied to register these trademarks, but before the official registration dates stated in the Swiss registrations. Complainant did not address the issue, but the Panel understands that a Swiss trademark registration is effective as of its application date.² Regardless, Respondent manifestly registered the Disputed Domain Names in anticipation of Complainant's acquisition of trademark rights. [WIPO Overview 3.0](#) section 3.8.2.

The Panel finds the first element of the Policy has been established with respect to the VYVHALI, STUVEYAH and REHALYNZ trademarks.

However, Complainant has not shown rights with respect to LIFSTUVA. Complainant voluntarily cancelled Switzerland Trademark Registration No. 823952, the sole basis for Complainant's claim of rights under Policy paragraph 4(a)(i). This cancellation was effective May 24, 2025, which was shortly after this UDRP Complaint was filed on May 20, 2025. However, Complainant requested the cancellation based on a third-party opposition pending on March 13, 2025, which was before this UDRP Complaint was filed. And Complainant amended its Complaint on March 25 (the day after the cancellation was effective), and thereby mistakenly reaffirmed its Rule 3(b)(xiii) certification that the information in the Complaint was "to the best of Complainant's knowledge complete and accurate ..."

Under these circumstances, the Panel finds that Complainant has not satisfied Policy paragraph 4(a)(i) with respect to LIFSTUVA. For the remainder of the Decision, reference to the Disputed Domain Names does not include the <lifstuva.com> domain name.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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

²Switzerland TmPA Art. 5 ("A trademark right is established on entry in the Register"); Article 6 ("A trademark right is established on entry in the Register"). See https://www.fedlex.admin.ch/eli/cc/1993/274_274_274/en. See also World Trademark Review: "The trademark is protected as of the application date for a 10-year period and can be renewed for further 10-year periods." <https://www.worldtrademarkreview.com/guide/the-wtr-yearbook/2022/article/switzerland>.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Names. Respondent has not rebutted 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 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 finds that Respondent registered the Disputed Domain Names in bad faith. The Panel cannot conceive of a good faith explanation for the registration of the Disputed Domain Names. Respondent monitored Complainant's filing of trademark applications and quickly registered domain names that corresponded to detected applications. Respondent plainly registered the Disputed Domain Names in anticipation of Complainant's acquisition of rights. See [WIPO Overview 3.0](#), section 3.8.2. This practice reflects a deliberate scheme to target Complainant and its trademark rights.

The trademarks that correspond to the Disputed Domain Names are all highly arbitrary fanciful terms created for the sole purpose of branding the new pharmaceuticals. The Panel cannot conceive of any good faith use to which Respondent might put the inherently misleading Disputed Domain Names. These terms have no descriptive meaning separate and apart from their trademark function. Note that the Disputed Domain Names are offered for sale for approximately the same price. This reveals that Respondent was basing its asking price on the only overlapping feature that these terms share: their function as Complainant's trademarks.

Accordingly, the Panel also finds that Respondent has registered the Disputed Domain Names primarily for the purpose of selling, renting, or otherwise transferring them to Complainant who is the owner of the trademarks or to a competitor of Complainant, for valuable consideration in excess of Respondent's documented out-of-pocket costs directly related to the Disputed Domain Names (absent any evidence to the contrary from Respondent). Policy paragraph 4(b)(i).

8. 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 <rehalynz.com>, <stuveyah.com> and <vyvhali.com> be transferred to Complainant.

The Complaint is denied with respect to the <lifstuva.com> domain name.

/Lawrence K. Nodine/
Lawrence K. Nodine
Sole Panelist
Date: June 10, 2025