

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Isai Isai Grant
Case No. D2025-1190

1. The Parties

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

The Respondent is Isai Isai Grant, United States.

2. The Domain Name and Registrar

The disputed domain name <mounjaroofficial.com> (the "Domain Name") is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 21, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 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 27, 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 April 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2025. The Respondent sent an email communication to the Center on April 2, 2025. The Center sent an email to the Parties regarding a possible settlement on April 2, 2025. The Complainant did not request suspension of the proceedings. The Respondent did not file a formal response. Accordingly, the Center informed the Parties that it would proceed with Panel Appointment on April 22, 2025.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on April 28, 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 in this administrative proceeding is Eli Lilly and Company, a corporation organized under the laws of the State of Indiana, United States, with a principal place of business of Lilly Corporate Center in Indianapolis, Indiana.

The Complainant's rights in the MOUNJARO mark (the "Mark") date back to as early as November 5, 2019, when it filed for registration of the Mark with the United States Patent and Trademark Office. The Mark was registered on the principal register (Registration No. 6,809,369) on August 2, 2022, in association with pharmaceutical preparations for the treatment of diabetes, giving the Complainant a constructive use date of November 5, 2019, and priority over those with competing claims to the Mark based on later use.

The United States Food and Drug Administration announced its approval of the medication Tirzepatide under the brand name "Mounjaro" for use in connection with injectable pharmaceutical products for the treatment of type 2 diabetes on May 13, 2022. The Complainant launched the product in June of 2022, and by the end of 2022, the product produced nearly two hundred and eighty million dollars (USD 280,000,000.00) in revenue. Sales of the "Mounjaro" branded product continued to increase since its launch, with the Complainant's 2023 year-end financial report announcing revenue of more than five billion, one hundred sixty million dollars (USD 5,160,000,000.00) in connection with the product during the 2023 fiscal year, and the Complainant's year-end 2024 financial report announcing revenue of more than eleven and a-half billion dollars (USD 11,500,000,000.00) during the 2024 fiscal year.

The Complainant has obtained at least ninety (90) registrations for the MOUNJARO mark (or its foreign language equivalents) across sixty (60) countries around the world and has twenty-four (24) pending applications for the mark (or its foreign language equivalents) across twenty-four (24) countries. Further, the Complainant has obtained at least twenty-four (24) registrations of the MOUNJARO Logo across twenty-two (22) countries around the world and has twenty-five (25) pending applications for the MOUNJARO Logo across nineteen (19) countries.

The Complainant also has an Internet presence for its Mounjaro product, available at "www.mounjaro.com", which redirects to "www.mounjaro.lilly.com". The Complainant registered the <mounjaro.com> domain name on October 21, 2019, which is used to advertise and provide information regarding its Mounjaro product. The Complainant has used this domain name to identify a website since at least as early as May 17, 2022.

The Respondent registered the Domain Name on September 22, 2024. The Respondent uses the Domain Name to direct Internet traffic to a website that sells most likely counterfeit or gray market versions of the Complainant's product without a prescription in jurisdictions where the product has not been legally approved for distribution, all without disclosing the Respondent's lack of a relationship with the Complainant. In addition, the website at the Domain Name also purportedly offers for sale the products of the Complainant's competitor.

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 Domain Name.

Notably, the Complainant contends that the Domain Name, which is the subject of this proceeding, is confusingly similar to the Complainant's trademark, and the Respondent has no rights or legitimate interests in the trademarks or the Domain Name. Further, the Respondent has registered and is using the Domain Name in bad faith. The Complainant therefore requests that the Panel issue an order transferring the registration of the Domain Name to the Complainant.

B. Respondent

On April 2, 2025, the Respondent sent an email communication, indicating "[p]lease tell me the main issue then I'll take action accordingly and according to cloudflare policies". The Respondent did not formally reply to the Complainant's contentions.

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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the Mark is reproduced within the Domain Name. Accordingly, the 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, here "official", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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 Domain Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, the claimed sale of counterfeit goods or illegal pharmaceuticals, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, the Panel finds that the composition of the Domain Name, which incorporates the Mark together with the term “official”, may mislead Internet users into believing that the Domain Name belongs to the Complainant and would resolve to the Complainant’s official website. As such, the nature of the Domain Name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 notes that the Respondent uses the Domain Name to direct Internet traffic to a website that sells most likely counterfeit or gray market versions of the Complainant’s product without a prescription in jurisdictions where the product has not been legally approved for distribution. In addition, the website at the Domain Name also purportedly offers for sale the products of the Complainant’s competitor. Such use constitutes bad faith under paragraph 4(b)(iv) of the Policy.

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 the claimed sale of counterfeit goods and 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 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 Domain Name <mounjaroofficial.com> be transferred to the Complainant.

/Elizabeth Ann Morgan/

Elizabeth Ann Morgan

Sole Panelist

Date: May 12, 2025