

ADMINISTRATIVE PANEL DECISION

Lonza Ltd v. John Smit, owner
Case No. D2025-1211

1. The Parties

The Complainant is Lonza Ltd, Switzerland, represented by Gould & Ratner LLP, United States of America ("U.S.").

The Respondent is John Smit, owner, U.S.

2. The Domain Name and Registrar

The disputed domain name <lonaza.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 24, 2025. On March 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not amend the Complaint.

The Center verified that 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 7, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on May 13, 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 part of the Lonza Group Ltd., which is one of the leading companies providing manufacturing services to the pharmaceutical, biotech and nutrition markets with revenues of over USD 2.1 billion in 2023 in the U.S. alone. At least as early as 1955, the Complainant (resp. Lonza Group Ltd.) adopted and has continuously used the trademark LONZA in the U.S. in the pharmaceutical, biotechnology and nutrition space, in addition to other areas, such as custom manufacturing.

The Complainant is the owner of several trademarks for LONZA ("LONZA trademark"), including:

- U.S. Trademark Registration LONZA No. 956,300, registered on April 3, 1973;
- U.S. Trademark Registration LONZA No. 4,483,125, registered on February 18, 2014; and
- European Union Trademark LONZA No. 001101898, registered on July 3, 2000.

The Complainant is also owner of several domain names including the designation "lonza", such as the domain name <lonza.com>, registered on January 8, 1997.

The disputed domain name <lonaza.com> was registered on February 25, 2025. The Complainant provided evidence that the disputed domain name resolved to a parked webpage containing pay-per-click links with the keywords "Sale Linen Fabric", "Sunbrella Fabric by the Yard" and "Rf Needling Machine". At the time of this decision, the disputed domain name resolves to a blank page.

5. Parties' Contentions

A. Complainant

On the first element of the Policy, the Complainant claims that the disputed domain name is identical or highly confusingly similar to the LONZA trademark. The disputed domain name comprises the LONZA trademark in its entirety with the addition of the letter "a" in a location common for typos and the generic Top-Level-Domain ("gTLD") <.com>. Relevant consumers will likely be and have already been confused into believing that there is a connection of source, sponsorship, affiliation or endorsement between the LONZA trademark and the Respondent by the Respondent's use of the disputed domain name. It is well established that where the Complainant's trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity. Further, the Respondent's addition of an "a" is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the LONZA trademark. Likewise, similar to this case, panels have held that where a disputed domain name contains the entire mark and differs only by the addition of a generic or descriptive term and a gTLD, such differences are generally insufficient to overcome confusing similarity between that domain name and the mark.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The term "lonza" is not an applied for or registered trademark of the Respondent. The Whois history for the disputed domain name indicates that the disputed domain name was created on February 25, 2025. The Complainant has not authorized, by license or otherwise, the Respondent to use the LONZA trademark or brand, or to apply for any domain name that is

confusingly similar to such mark using the domain or brand. To the contrary, the Respondent is using the disputed domain name to falsely hold itself out as being associated with the Complainant and the Complainant's products causing confusion. Indeed, the Respondent has incorporated the entirety of the Complainant's name, "Lonza", using a common misspelling into the disputed domain name. The Respondent's actions in connection with the disputed domain name is not a bona fide offering of goods or services. The Respondent is wholly appropriating the LONZA trademark and is not using the disputed domain name in connection with an active website. Additionally, typosquatting is evidence of a lack of rights or legitimate interests in the disputed domain name. As such, the Respondent's actions in connection with the disputed domain names cannot be considered a bona fide offering of goods or services. Further, the Respondent is not commonly known by the disputed domain name. The Whois information for the disputed domain name does not indicate that the Respondent is commonly known by the disputed domain name. The Complainant has not licensed, otherwise permitted or authorized the Respondent to use the LONZA trademark or brand, or to apply for any domain name that is confusingly similar to such mark or brand. As such, the Respondent is not commonly known by the disputed domain name nor does the Respondent have any right to use the LONZA trademark. The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The Respondent engaged in bad faith registration and use of the disputed domain name. The Respondent registered the disputed domain name primarily for the purpose of creating a likelihood of confusion with the LONZA trademark as to the source, sponsorship, affiliation, or endorsement. Given the Complainant's rights in the LONZA trademark and the Respondent's use of the LONZA trademark in the disputed domain name, the Respondent must have been aware of the Complainant and its rights in the LONZA trademark. Typosquatting, such as the addition of a letter, is evidence that the Respondent was aware of and sought to impersonate the Complainant when it registered the disputed domain name. As such, typosquatting is evidence of bad faith registration of a domain name. In fact, panels have consistently held that when an unaffiliated entity registers a domain name, which is confusingly similar or identical to a famous or wellknown trademark, a presumption of bad faith is inferred. Given the fame and worldwide recognition of the LONZA trademark, the lack of evidence of any good faith use by the Respondent, and that the Respondent has taken steps to conceal its identity, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. [WIPO Overview 3.0](#), section 4.3.

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. This may also include recognizability by technological means such as search engine algorithms. [WIPO Overview 3.0](#), section 1.7.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

Panels in the past have concluded that even if a (random) single letter is added within a trademark, this may be considered intentional misspelling of a trademark (so-called "typo squatting") resulting in confusing similarity. See for example *Fuji Photo Film U.S.A., Inc. v. LaPorte Holdings*, WIPO Case No. [D2004-0971](#), <fujiifilm.com>.

The applicable TLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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 disputed domain name consists of the LONZA trademark with the sole addition of the letter "A" between the letters "N" and "Z" and is therefore confusingly similar to the LONZA trademark.

Further, it seems likely that the Respondent intentionally misspelled the LONZA trademark. The conclusion of an intentional misspelling and a finding of confusing similarity is supported by the fact that when searching for the term "lonaza" using the Google search engine, the question "Did you mean: *lonza*" appears and the first result in the list of hits leads to the complainant's website under the domain <lonza.com>.

The Panel finds the mark is recognizable within the disputed domain names. 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 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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the LONZA trademark. The Panel finds on the record that there are no indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights to or legitimate interests in the disputed domain name. Further, there are no evident preparations for the use of the disputed domain name for a bona fide offering of goods or services.

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 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.

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.

The disputed domain name initially resolved to a parked webpage containing pay-per-click links with the keywords "Sale Linen Fabric", "Sunbrella Fabric by the Yard" and "Rf Needling Machine". The Panel finds that the Respondent's use of the disputed domain name incorporating the LONZA trademark is an attempt to attract, for commercial gain, Internet users to the related website, by creating an unjustified likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement.

Regarding the disputed domain name's current lack of use, from the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. While panels 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, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), 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 notes the distinctiveness and reputation of the LONZA trademark, the failure of the Respondent to submit a response or to provide evidence of actual or contemplated good-faith use as well as the fact that the Respondent concealed its identity, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of 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 <lonaza.com> be transferred to the Complainant.

/Christian Gassauer-Fleissner/

Christian Gassauer-Fleissner

Sole Panelist

Date: May 27, 2025