

ADMINISTRATIVE PANEL DECISION

Boehringer Ingelheim International GMBH v. 深圳禹谷软件有限公司
(shenzhenyuguruanjianyouxiangongsi)

Case No. D2025-1463

1. The Parties

The Complainant is Boehringer Ingelheim International GMBH, Germany, represented by Nameshield, France.

The Respondent is 深圳禹谷软件有限公司 (shenzhenyuguruanjianyouxiangongsi), China.

2. The Domain Name and Registrar

The disputed domain name <jardiance.chat> 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 April 10, 2025. On April 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 11, 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 April 16, 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 April 17, 2025.

On April 16, 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 April 18, 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 April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 13, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on May 20, 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, founded in Ingelheim am Rhein, is a German family-owned pharmaceutical group of companies with roots going back to 1885. The Complainant is an international research-driven pharmaceutical enterprise and has 53,500 employees. In 2023, net sales of the BOEHRINGER INGELHEIM group amounted to about EUR 25.6 billion. JARDIANCE (Empagliflozin) is a prescription medicine used alongside diet and exercise to lower blood sugar in adults with type 2 diabetes, and to reduce the risk of cardiovascular death in adults with type 2 diabetes who have known cardiovascular disease.

The Complainant states that it owns trademark registrations for JARDIANCE in several countries, including the International trademark Registration No. 981336, registered on September 3, 2008, in Class 5.

The Complainant owns the domain name <jardiance.com>, registered on April 30, 2008.

The disputed domain name was registered on April 8, 2025, and resolves to a website that contains pay-per-click ("PPC") links to the third-party websites.

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 disputed domain name includes the JARDIANCE trademark in its entirety without any adjunction of letter or word and is identical to the JARDIANCE trademark; and
- ii) the Respondent is not related to the Complainant and the Complainant has not authorized the Respondent to use the JARDIANCE trademark for any reason or in any manner; and
- iii) the Respondent has not been commonly known by the disputed domain name; and
- iv) the disputed domain name resolves to a website containing commercial links, which is not a bona fide offering of goods or services or legitimate noncommercial or fair use; and
- v) the Respondent had the Complainant and the JARDIANCE trademark in mind at the time of registering the disputed domain name; and
- vi) the Respondent's use of the disputed domain name intends to attract Internet users for commercial gain to its website by exploiting the Complainant's JARDIANCE trademark.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: 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 1) English is the language most widely used in international relations and is one of the working languages of the Center; 2) the disputed domain name consists of Roman characters; 3) using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter.

The Respondent did not make any specific 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.

6.2 Substantive Issues

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 3.0](#), section 1.7.

Based on the available records, the Complainant has shown rights in respect of the JARDIANCE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The generic Top-Level Domain ("gTLD") ".chat" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The disputed domain name incorporates the entirety of the JARDIANCE trademark with no other additions and is identical to the JARDIANCE trademark. Accordingly, the disputed domain name is identical to the JARDIANCE trademark 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 information in the case file shows that:

- the disputed domain name resolves to a website that contains PPC links to third-party websites. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to its own website by confusing the relationship between its own website and the Complainant and the JARDIANCE trademark, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use; and
- there is no evidence proving that the Respondent has been commonly known by the disputed domain name; and
- the nature of the disputed domain name, identical to the Complainant's JARDIANCE trademark, carries a high risk of implied affiliation with the Complainant; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain name.

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.

In the present case, the Panel notes that the Complainant obtained the trademark registration for JARDIANCE as early as in 2008, which far predates the registration date of the disputed domain name (April 8, 2025). The Complainant's evidence shows that the JARDIANCE trademark has gained a certain degree of reputation and built up a close corresponding relationship with the Complainant. The Respondent registered the disputed domain name that is identical to the Complainant's JARDIANCE trademark and resolves it to a website that contains PPC links to third party websites. Bearing in mind that the trademark is a coined word, the Panel determines that the Respondent should have been aware of or was aware of the Complainant's rights to JARDIANCE trademark at the time of registering the disputed domain name, and bad faith is found.

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 Respondent selected the disputed domain name that is identical to the Complainant's JARDIANCE trademark and uses it in the manner described above. The Panel also takes note that the Complainant owns the domain name <jardiance.com> and redirects to its official website, and the disputed domain name is almost identical to the Complainant's domain name. The Panel holds that the Respondent obviously intends to attract, for commercial gain, Internet users to the website associated with the disputed domain name by creating a likelihood of confusion with the Complainant's JARDIANCE trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

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 <jardiance.chat> be transferred to the Complainant.

/Linda Chang/

Linda Chang

Sole Panelist

Date: June 3, 2025