

## **ADMINISTRATIVE PANEL DECISION**

H. Lundbeck A/S v. Samuel Ochanji, Carthage Domain Solutions  
Case No. D2025-1483

### **1. The Parties**

The Complainant is H. Lundbeck A/S, Denmark, represented by Zacco Denmark A/S, Denmark.

The Respondent is Samuel Ochanji, Carthage Domain Solutions, Kenya.

### **2. The Domain Name and Registrar**

The disputed domain name <lundbeck.world> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2025. On April 11, 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 11, 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 April 15, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 8, 2025. The Respondent sent an email communication to the Center on May 9, 2025.

On May 9, 2025, the Center received a suspension request pursuant to paragraph 17 of the Rules from the Complainant and the administrative proceedings were suspended on that same date. The proceedings were reinstated on June 16, 2025, per the Complainant's request.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on June 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 is one of the world's leading international pharmaceutical companies, engaged in the research, development, production, marketing and sale of pharmaceutical products around the world. The Complainant owns the following trademark registrations, among others:

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
	815545	International trademark (designating, inter alia, Kenya)	November 19, 2003	Class 5
	1662231	International trademark (designating, inter alia, Kenya)	July 9, 2021	Classes 5, 10, 41, 42, and 44.
LUNDBECK	1147485	International trademark (designating, inter alia, Kenya)	December 14, 2011	Classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

The Complainant also owns the domain name <lundbeck.com>, which was registered on May 14, 1996, and resolves to the Complainant's official website.

The disputed domain name was registered on October 3, 2024. It resolves to a parked website with pay-per-click ("PPC") links, and displaying a link to purchase the disputed domain name for USD 1,000 at the bottom page.

## **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 the following:

#### **I. Identical or Confusingly Similar**

That the disputed domain name is confusingly similar to the Complainant's LUNDBECK trademarks.

That the disputed domain name incorporates the Complainant's LUNDBECK trademarks entirely along with the generic Top-Level Domain ("gTLD") ".world", which does not dispel a finding of similarity between the disputed domain name and the Complainant's LUNDBECK trademarks.

#### **II. Rights or Legitimate Interests**

That the Respondent has not received any authorization, license, or consent to use the Complainant's LUNDBECK trademarks in domain names or in any other way, and that the Complainant has not acquiesced in any way the use of its LUNDBECK trademarks in a domain name by the Respondent.

That the Respondent has no rights or interests in the disputed domain name with no use of it as a trademark, company name, business or trade name prior to the registration of the disputed domain name.

That the Respondent is not commonly known by the disputed domain name.

That the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name because said disputed domain name has been listed for sale.

#### **III. Registered and Used in Bad Faith**

That given the distinctive nature and intensive use of the Complainant's LUNDBECK trademarks, the Respondent should have known of the existence of the Complainant and its LUNDBECK trademarks when registering the disputed domain name.

That the disputed domain name is being offered for sale, which is an example of bad faith registration and use under the Policy.

That due to the distinctiveness and intensive use of the Complainant's LUNDBECK trademarks, it is inconceivable that the Respondent would use the disputed domain name for any other purpose than infringing the Complainant's rights.

### **B. Respondent**

The Respondent sent an email communication to the Center on May 9, 2025, stating his willingness to "handover or delete the domain without a UDRP process" and explaining that he thought he was making fair use of the disputed domain name as he assumed "'LUNDBECK' is a common Scandinavian surname", also informing that "I have since done my research and not found any common usage of the name outside the marks of the complainant". However, the Respondent did not submit a formal Response.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in connection to the disputed domain name; and
- (iii) that 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. 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 its LUNDBECK trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name entirely reproduces the Complainant's LUNDBECK trademarks. The Panel finds that the Complainant's LUNDBECK trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. It is also well established that the addition of a gTLD ".world" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is identical to the Complainant's LUNDBECK trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

### 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 failed to rebut 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.

Mere arguments that a domain name corresponds to a dictionary term, or a surname may not be sufficient to confer rights or legitimate interests on the Respondent, and panels will consider the overall facts and circumstances of the case when assessing such arguments. In this case, the Respondent claims that it considered “lundbeck” to be “a common Scandinavian surname”, but it has failed to submit any evidence of bona fide or legitimate noncommercial or fair use of the disputed domain name. No evidence has been filed in connection with the Respondent being commonly known by the disputed domain name.

The Panel also notes that the disputed domain name is being used to resolve to a website with PPC links, some of which are related to the Complainant’s activity. Therefore, no rights or legitimate interests can be found in favor of the Respondent. [WIPO Overview 3.0](#), section 2.9. The Respondent also offers the disputed domain name for sale on the website. Such use of the disputed domain name indicates that the Respondent’s intention to capitalize on the reputation and goodwill of the Complainant’s mark or otherwise mislead Internet users.

Therefore, 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 Complainant has ascertained its rights over its LUNDBECK trademarks. The disputed domain name reproduces the LUNDBECK trademark in its entirety. The dates of registration of said trademarks significantly precede the date of registration of the disputed domain name. Moreover, the Complainant has LUNDBECK trademark registrations in Kenya, where the Respondent is reportedly located. Additionally, the Panel agrees with decisions rendered by previous panels in the sense that the LUNDBECK trademarks are well known (see, *H. Lundbeck A/S v. Bkangara Windarti, My Store*, WIPO Case No. [D2024-2000](#)).

Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity can in itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. This is so in the present case because the Complainant’s LUNDBECK trademarks are well known and have been extensively used worldwide.

In the present case, the Panel notes that the fact that the Respondent registered the disputed domain name which is identical to the Complainant’s LUNDBECK trademarks shows that the Respondent, more likely than not, has targeted the Complainant (see [WIPO Overview 3.0](#), section 3.2.1). Such finding is reinforced by the Respondent’s statement that “I have since done my research and not found any common usage of the name outside the marks of the complainant”.

The Panel also notes that the disputed domain name resolves to a parked website comprising PPC links to websites, some of which offer services that compete with those of the Complainant. Therefore, this Panel considers that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant by misleading Internet users, for commercial gain, to the website to which the disputed domain name resolves (and the websites to which the PPC links redirect) by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of said websites, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see [WIPO Overview 3.0](#), section 3.1.4; see also *Ustream.TV, Inc. v. Vertical Axis, Inc.*, WIPO Case No. [D2008-0598](#)).

Furthermore, another indication of bad faith registration and use is the fact that the disputed domain name is also being offered for sale for USD 1,000, which supports a finding of bad faith under paragraph 4(b)(i) of the Policy (see also [WIPO Overview 3.0](#), section 3.1.1).

Based on the available record, 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 <lundbeck.world> be transferred to the Complainant.

*/Kiyoshi Tsuru/*

**Kiyoshi Tsuru**

Sole Panelist

Date: July 4, 2025