

## ADMINISTRATIVE PANEL DECISION

H. Lundbeck A/S v. asianslot88 id

Case No. D2025-1484

### 1. The Parties

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

The Respondent is asianslot88 id, Indonesia.

### 2. The Domain Name and Registrar

The disputed domain name <lexapro.today> is registered with NameCheap, Inc. (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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 14, 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 Center appointed Benjamin Fontaine as the sole panelist in this matter on May 15, 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 was founded in 1915 and is one of the leading international pharmaceutical companies engaged in the treatment of brain disorders. In 2024, the Complainant's revenue was USD 3.27 billion.

The Complainant produces in particular an antidepressant under the name LEXAPRO. This trade mark is registered in many jurisdictions across the world. For the purpose of this Complaint, the Complainant relies on the International trade mark LEXAPRO no. 778106, registered on March 16, 2002, and which covers many jurisdictions.

The Complainant also holds several domain name registrations that contain the trade mark LEXAPRO, including <lexapro.com>.

The disputed domain name registered on January 22, 2025. It redirects users to a website that offers gambling services.

#### **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 the disputed domain name is confusingly similar to the trade mark LEXAPRO, in which the Complainant holds rights: "The domain name incorporate the complainant's registered trade mark in full with the addition of the gTLD designation .today".

The Complainant indicates that the Respondent has not received any license or consent, express or implied, to use the Complainant's trade mark LEXAPRO in domain names or in any other manner from the Complainant, nor has the Complainant acquiesced in any way to such use or application by the Respondent. The Complainant adds that the Respondent has no rights in the disputed domain name; it is the only entity that holds registrations of the trade mark LEXAPRO. Also, the use of the disputed domain name to redirect users to a gambling site does not support that the Respondent has any rights or legitimate interests in the disputed domain name.

The Complainant contends that "because of the distinctive nature and intensive use of the Complainant's trade mark Lexapro®, the Respondent must have had positive knowledge as to the existence of the Complainant's trade mark at the time the Respondent registered the domain name". And, because of "the distinctive nature and intensive use of the Complainant's trade mark Lexapro® it is immediately inconceivable that the Respondent will be able to use the disputed domain name for any plausible purpose that would not be infringing the Complainant's rights".

The Complainant adds two final arguments in support of its claim of registration and use in bad faith: first, it notes that the Respondent has concealed its identity behind a privacy shield; second, it indicates that the Respondent prevents the Complainant from registering a domain name under the generic Top-Level Domain ("gTLD") ".today" that reflects its trade mark.

## **B. Respondent**

The Respondent did not 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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the LEXAPRO mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

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.

Besides, the use of the disputed domain name identical to the Complainant's trade mark to redirect users to a gambling site does not support a finding of rights or legitimate interests nor amount to a fair use of the domain name.

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 has, pursuant to paragraph 4(b)(iv) of the Policy, intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. In this respect, it is important to stress that the Complainant's trade mark LEXAPRO is inherently distinctive and registered worldwide. The Respondent has registered and used the disputed domain name using this trade mark in order to trade off the Complainant's trade mark rights.

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 <lexapro.today> be transferred to the Complainant.

*/Benjamin Fontaine/*  
**Benjamin Fontaine**  
Sole Panelist  
Date: May 29, 2025