

ADMINISTRATIVE PANEL DECISION

Bayer AG v. Stobart Mike and Taofeek Ismail
Case No. D2025-1714

1. The Parties

The Complainant is Bayer AG, Germany, represented by pm.legal, Germany.

The Respondents are Stobart Mike, United States of America ("United States") and Taofeek Ismail, United States.

2. The Domain Names and Registrar

The disputed domain names <bayer-fi.com>, <bayer-fin.com>, <bayer-fn.com>, <bayer-ne.com>, <fi-bayer.com>, <fn-bayer.com>, <fn-bayer.com>, and <ne-bayer.com> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 29, 2025. On April 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 29, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 7, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint on May 10, 2025.

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 Respondents of the Complaint, and the proceedings commenced on May 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on June 10, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on June 23, 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 a global enterprise with core competencies in healthcare, nutrition, and plant protection. Headquartered in Leverkusen, Germany, the Complainant is listed on all major German stock exchanges and is part of the DAX 40 index of blue-chip companies. The company name "Bayer" dates back to 1863, with a long-standing history in pharmaceuticals, having marketed products under the BAYER trademark since 1888.

The Complainant operates through over 350 consolidated companies across 80 countries and employs more than 99,000 people worldwide. Its operations span all five continents, including business units such as HealthCare and CropScience, offering a wide range of human health and agricultural products.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its BAYER trademarks including, but not limited, to the following:

- International Trademark Registration No. 1462909, registered on November 28, 2018, for the word mark BAYER in classes 1, 3, 5, 9, 10, 31, 35, 41, 42 and 44;
- International Trademark Registration No. 1476082, registered on December 10, 2018, for the word mark BAYER in classes 7, 8, 11, 16, 20, 24, 25, 28, 30, 32, 37, 38, 39, 40, 43 and 45.

The Complainant owns hundreds of domain names incorporating the BAYER mark, including the official website at the domain name <bayer.com>, as well as, according to the Complaint, <bayer.co.nz>, <bayer.com.au>, <bayer.co>, <bayer.be>, and <bayer.us>.

The disputed domain names were registered between September 4, 2024, and October 5, 2024. They are not associated with active websites. However, the Complainant has submitted evidence that most of the disputed domain names were used fraudulently to issue fake job offers under the Complainant's name. These communications included the unauthorized use of the Complainant's trademark and logo and were sent from various deceptive email addresses associated with some of the disputed domain names.

According to the disclosed Whois information confirmed by the Registrar, the Respondents are located in the United States.

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 names.

Notably, the Complainant asserts that the BAYER trademarks are well known and widely recognized.

According to the Complainant, the disputed domain names are confusingly similar to the Complainant's BAYER trademarks, as they incorporate the marks in their entirety. The addition of suffixes such as "fi," "fin," "ne," and "fn" does not prevent a finding of confusing similarity, nor does it alter the overall impression that the disputed domain names are associated with the Complainant. This impression is further reinforced by the Respondents' use of a geographic indicator ("fi") and by impersonating an employee of Bayer Oy, the Finnish subsidiary of the Complainant.

The Complainant also notes that the Top-Level Domain (TLD) ".com", should be disregarded under the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

Furthermore, the Complainant asserts that the Respondents lack rights or legitimate interests in the disputed domain names for the following reasons:

First, the Complainant states that the BAYER trademarks are well known and closely associated with the Complainant and its products.

Second, the Respondents are not affiliated with, licensed by, or otherwise authorized the Complainant to use the BAYER trademarks in connection with the disputed domain names.

Third, the Respondents have not used, nor demonstrated any preparations to use the disputed domain names in connection with a bona fide offering of goods or services. On the contrary, the Respondents have used the disputed domain names to conduct email job scams impersonating the Complainant, which clearly do not constitute bona fide use under the Policy.

Finally, the Respondents are not commonly known by the disputed domain names and are not making legitimate noncommercial or fair use of the disputed domain names.

The Complainant further contends that the Respondents have registered and used the disputed domain names in bad faith.

First, the Respondents were clearly aware of the Complainant's rights at the time of registration and intentionally targeted the Complainant's prior registered and well-known trademarks. Indeed, the Respondents deliberately targeted the Complainant by incorporating the Complainant's trademark and logo into their fraudulent emails, which were sent from some of the disputed domain names. One of the Respondents was also involved in a prior UDRP proceeding brought by the Complainant (*Bayer AG v. Stobart Mike*, WIPO Case No. [D2024-4393](#), concerning <bayer-nl.com> and other domain names), which further demonstrates knowledge of the Complainant and its trademarks.

Second, the disputed domain names have been used in fraudulent schemes, including phishing emails, with the intent to mislead Internet users and exploit the Complainant's reputation.

Third, the Respondents' conduct also prevents the Complainant from reflecting its trademarks in corresponding domain names and appears to form part of a broader pattern of abusive registrations.

Fourth, the incorporation of well-known trademarks into the disputed domain names by an unaffiliated entity suggests opportunistic bad faith.

Finally, the Respondents' use of the disputed domain names is intended to interfere with the Complainant's business operations by misleading Internet users and potentially diverting traffic away from the Complainant's official website. Such interference may negatively impact the Complainant's business and reputation, and therefore constitutes bad faith under the Policy.

The Complainant requests that the disputed domain names be transferred to the Complainant.

B. Respondents

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

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

With respect to common control, the Panel notes the following:

All disputed domain names were registered through the same Registrar within a one-month period, between September 4, 2024, and October 5, 2024;

- The Whois information for each disputed domain name includes the same telephone number, and the listed postal addresses are essentially identical, with only minor variations (e.g., differing house numbers and a slight difference in the postal code for two entries);
- Four of the disputed domain names are registered under the Respondent "Stobart Mike," and the other four under "Taofeek Ismail," using two different email addresses. However, certain disputed domain names under both registrant names were registered on the same day;
- Notably, the disputed domain names associated with both "Stobart Mike" and "Taofeek Ismail" have been used in nearly identical fraudulent schemes, including the issuance of fake job offers falsely purporting to be from the Complainant.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

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

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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.

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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, such as suffixes "fi," "fin," "ne," and "fn", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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.

In the present case, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the well-known BAYER trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the BAYER trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain names. [WIPO Overview 3.0](#), section 2.3.

Although the disputed domain names resolve to inactive websites, the Complainant has submitted compelling evidence that the disputed domain names <bayer-fi.com> , <bayer-fin.com> , <fi-bayer.com> and <fn-bayer.com> were used in fraudulent email schemes. These schemes involved sending fake job offers impersonating the Complainant and reproducing its trademarks to deceive internet users by falsely representing an affiliation with the Complainant. Prior UDRP panels have consistently held that such conduct does not constitute a bona fide offering of goods or services, as it seeks to exploit the goodwill associated with the Complainant's trademark. Moreover, the use of a domain name for illegal activities, such as phishing, impersonation or passing off, cannot confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds that the Respondent is obviously not making any legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

Furthermore, the composition of the disputed domain names coupled with the use of the disputed domain names to impersonate the Complainant for fraudulent purposes affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant as to the origin or affiliation of the websites at the dispute domain names.

The Panel notes that the Respondent Stobart Mike has been also involved in a prior UDRP proceeding under similar circumstances - *Bayer AG v. Stobart Mike*, WIPO Case No. [D2024-4393](#) (<bayer-nl.com> et al.). Previous panels have consistently found that the use of the disputed domain names to impersonate the Complainant combined with a pattern of trademark-abusive domain name registrations, can never support a claim to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.2.

Finally, given the well-known character of the BAYER trademark, the Respondents' common control over the disputed domain names, and their prior fraudulent use, the fact that the disputed domain names do not resolve to any active websites does not alter the aforementioned conclusions.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain names and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the incorporation of the Complainant's trademarks in the disputed domain names, along with the use of the Complainant's trademarks and logo in fraudulent email schemes associated with those disputed domain names, demonstrates that the Respondent was clearly aware of the Complainant's business and trademarks at the time of registering the disputed domain names. [WIPO Overview 3.0](#), section 3.2.2.

The Panel further notes that the emails in question impersonated the Complainant, displaying its trademarks and logos while purporting to offer employment opportunities on its behalf. Prior panels have consistently held that the use of a domain name in connection with illegal activity - such as phishing, impersonation or passing off - constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 names <bayer-fi.com>, <bayer-fin.com>, <bayer-fn.com>, <bayer-ne.com>, <fi-bayer.com>, <fin-bayer.com>, <fn-bayer.com>, and <ne-bayer.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: July 7, 2025