

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Danilo Gomes
Case No. D2025-1907

1. The Parties

Complainant is Eli Lilly and Company, United States of America (“United States”), represented by Faegre Drinker Biddle & Reath, United States.

Respondent is Danilo Gomes, Brazil.

2. The Domain Name and Registrar

The disputed domain name <zepboundnatural.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) and contact information in the Complaint. The Center sent an email communication to Complainant on May 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 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 Respondent of the Complaint, and the proceedings commenced on May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 13, 2025.

The Center appointed Daniel Kraus 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

Complainant, Eli Lilly and Company, manufactures and distributes pharmaceutical drugs worldwide. Since December 5, 2023, it has been selling an injectable pharmaceutical drug that is prescribed to treat obesity under its ZEPBOUND trademark. Complainant owns, amongst others, a United States registration for its ZEPBOUND trademark, No. 7,288,373, registered on January 23, 2024, with a constructive use date of April 14, 2022, in class 5 for pharmaceutical preparations for the treatment of obesity.

Complainant also owns the domain name <zepbound.com>, registered on April 13, 2022, which redirects to the website at “www.zepbound.lilly.com”, on which Complainant has advertised, and provided information on, its ZEPBOUND pharmaceutical products since as early as November 9, 2023. Respondent registered the Domain Name on December 17, 2024, without authorization from Complainant. The Domain Name resolves to a website displaying and offering for sale competing, allegedly natural, fat-burning products from a third-party.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for its ZEPBOUND mark, and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known ZEPBOUND products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent uses bait-and-switch tactics to offer competing third-party products on the website to which the Domain Name resolves.

Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

Complainant requested transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its Complaint, Complainant must prove the three following elements set out under paragraph 4(a) of the Policy: (i) the Domain Name is identical or confusingly similar to a trademark in which

the complainant has rights; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

A. Identical or Confusingly Similar

The Panel finds that Complainant's registrations establish its trademark rights in the ZEPBOUND mark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.2.1.

The Domain Name incorporates the entire trademark, and the trademark is recognizable within the Domain Name, notwithstanding the addition of the word "natural" after the trademark.

The Panel finds that the Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Accordingly, the Panel concludes that the Complainant has proven the first element.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, Respondent has used the Domain Name to purportedly sell weight loss products from a third-party which are allegedly natural, competing with Complainant's ZEPBOUND products as an alternative.

Such use by Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name.

Moreover, the nature of the Domain Name, incorporating the entirety of Complainant's trademark ZEPBOUND, along with the term "natural", cannot be considered fair use as it creates a risk of affiliation with Complainant that does not exist. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

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

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

- "(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the ZEPBOUND trademark long predates the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's ZEPBOUND trademark and related products and services are widely known and recognized. Therefore, the Panel is of the view that Respondent was aware of the ZEPBOUND trademark when it registered the Domain Name. [WIPO Overview 3.0](#), section 3.2.2.

The Panel thus finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith.

Further, the composition of the Domain Name, which includes Complainant's ZEPBOUND trademark and an additional term "natural" suggests Respondent's actual knowledge of Complainant's rights in the ZEPBOUND trademark at the time of registration of the Domain Name and its effort to opportunistically capitalize on the Complainant's trademark.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known ZEPBOUND products and services of Complainant or authorized partners of Complainant. In particular, at the time of filing of the Complaint, Respondent used the Domain Name in an attempt to direct Internet users looking for Complainant's products and services to its website by featuring Complainant and its ZEPBOUND brand, including the use of the ZEPBOUND trademark, and purportedly offering competing third-party products intended for weight loss as an alternative version of Complainant's products. Therefore, by using the Domain Name, and then further to promote products that are in direct competition with Complainant, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant's ZEPBOUND mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website. All these actions may result in tarnishing Complainant's reputation and goodwill in the industry. [WIPO Overview 3.0](#), section 3.1.4.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 <zepboundnatural.com> be transferred to the Complainant.

/Daniel Kraus/

Daniel Kraus

Sole Panelist

Date: July 4, 2025