

## **ADMINISTRATIVE PANEL DECISION**

Sanofi v. Alex Foster  
Case No. D2025-2068

### **1. The Parties**

The Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

The Respondent is Alex Foster, Ukraine.

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

The disputed domain name <sanofivaccin.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2025. On May 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and its contact details.

The Center verified that 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 May 30, 2025. On June 2, 2025, the Complainant filed an amendment to the Complaint. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2025.

The Center appointed Zineb Naciri Bennani as the sole panelist in this matter on June 26, 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 French multinational pharmaceutical company operating in development, manufacturing, distribution and selling of a wide variety of pharmaceutical products and vaccines.

The Complainant shows consolidated sales of EUR 43 billion in 2022 and presence in more than 100 countries, employing around 100,000 people.

The Complainant holds rights in trademark registrations for the SANOFI mark in many jurisdictions around the world since 1988, among which:

- French Trademark registration No. 3831592 (figurative) registered on December 9, 2011 for various goods and services including pharmaceuticals;
- French Trademark registration No. 96655339 registered on December 11, 1996 for goods and services including pharmaceuticals;
- European Union Trademark Registration No. 010167351 registered on January 7, 2012 for various goods including pharmaceuticals;
- International Trademark Registration No. 1091805 registered on August 18, 2011 for various goods and services including pharmaceutical products designating multiple jurisdictions including Ukraine.

The Complainant is also the owner of multiple domain names all of them registered prior to the disputed domain name, including the following:

- <sanofi.com> registered on October 13, 1995;
- <sanofi.eu> registered on March 12, 2006; and
- <sanofi.fr> registered on October 10, 2006.

The disputed domain name was registered on May 10, 2025 and directs to an inactive 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 that it owns and uses trademarks and domain names in connection with its activity containing the distinctive word "SANOFI" which are prior to the registration of the disputed domain name.

According to the Complainant, the disputed domain name reproduces SANOFI trademarks that don't have any particular meaning and are therefore highly distinctive.

The Complainant contends that the use of SANOFI trademark makes the disputed domain name confusingly similar to the trademark regardless the addition of the descriptive term "vaccin" or the generic Top-Level Domain ("gTLD") ".com".

The Complainant asserts that this confusing similarity will merely suggest to Internet users that the disputed domain name leads to a website that gives information on or sells SANOFI's vaccines, especially, considering that the Complainant's trademarks are well known in many jurisdictions.

The Complainant asserts that the Respondent has neither rights nor legitimate interests to justify the use of the already well-known worldwide trademarks and domain names of the Complainant.

The Complainant has never authorized the Respondent to use its trademarks or register any domain name including the trademarks and the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name as it resolves to an inactive webpage.

The Complainant considers that given the famous and distinctive nature of its trademarks, the Respondent is likely to have had knowledge of the existence of the Complainant's marks and registered the disputed domain name as an act of bad faith.

Moreover, the passive holding falls within the concept of the domain name being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Panel should decide a complaint based on the statements and documents submitted and in accordance with the Policy and Rules, and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that the Complainant must establish each of the following:

- (i) that the disputed domain name registered to the Respondent is 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 name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

### **6.1. Procedural Issue – Location of the Respondent**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The record shows that Notification of Complaint email was sent at the Respondent's email address disclosed by the Registrar, and there is no evidence of unsuccessful delivery. The Center's postal notification sent to the Respondent's mailing address disclosed by the Registrar is reported to have arrived in the destination country on June 10, 2025, and to have reached its collection point on June 12, 2025.

The Respondent thus appears to have received notification of the Complaint and would have been able to formulate and file a Response in the administrative proceedings in case it wished to do so.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

The Panel concludes that the Respondent who is allegedly located in Ukraine has been given a fair opportunity to present its case, and so that the administrative proceedings take place with due expedition, the Panel will proceed to a decision accordingly.

## **6.2. Complainant's Late Submission**

The Panel notes that the Complainant filed the amendment to the Complaint on June 2, 2025, after the administrative proceedings had commenced. The Panel accepts the Complainant's amendment, as it merely reiterates that the Respondent, who was already a respondent in the initial Complaint, is the registrant of the disputed domain name, as confirmed by the Registrar.

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

A side-by-side comparison of the disputed domain name and the Complainant's trademark shows that the entirety of the mark is reproduced within the disputed domain name.

While each case is judged on its own merits, in cases where the disputed domain name incorporates the entirety of a trademark, the domain name will be considered confusingly similar to that mark.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "vaccin", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, the addition of a gTLD in a domain name is viewed as a standard registration requirement and is disregarded under the confusing similarity test.

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.

According to the evidence in this case, the disputed domain name directs to an inactive page which shows the lack of use of the disputed domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services, and the Respondent has not furnished any proof of demonstrable preparations to use the disputed domain name in connection with such an offering.

Moreover, the Respondent as an individual is not commonly known by the disputed domain name, as the Respondent's name has no resemblance with the disputed domain name.

Finally, the Respondent did not bring a proof of making a legitimate noncommercial or fair use of the disputed domain name, nor has he put forward any legitimate non-infringing purpose.

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 registered the disputed domain name reproducing the Complainant's distinctive and internationally reputed trademark with the addition the term "vaccin", which is associated with one of the Complainant's areas of commercial activity.

Noting the Complainant's presence in the vaccines and pharmaceutical international market, its reputation and goodwill, it is more likely than not that the Respondent knew the Complainant's rights in the mark when registering the disputed domain name (*Compagnie Générale des Etablissements Michelin v. Cameron Jackson*, WIPO Case No. [D2016-2392](#), <michelinfrance.online> et al.).

Therefore, the Panel considers that the Respondent has registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant who is the owner of the trademark or service mark or to a competitor of the Complainant.

Moreover, given the evidence in this case, the Respondent lacks rights or legitimate interests in the disputed domain name and did not show a use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering or legitimate noncommercial or fair use.

Panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Furthermore, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the

Complainant's trademark, the composition of the disputed domain name, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <sanofivaccin.com> be transferred to the Complainant.

*/Zineb Naciri Bennani/*

**Zineb Naciri Bennani**

Sole Panelist

Date: July 8, 2025