

## **ADMINISTRATIVE PANEL DECISION**

Sanofi v. Miler Buck, shinan  
Case No. D2025-2115

### **1. The Parties**

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

The Respondent is Miler Buck, shinan, Bahamas.

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

The disputed domain name <stilnox.xyz> is registered with TLD Registrar Solutions Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2025. On May 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 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 (Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 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 June 10, 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 June 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2025.

The Center appointed Uwa Ohiku as the sole panelist in this matter on July 7, 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 leading global healthcare company, headquartered in France but with presence in many countries worldwide.

Among several pharmaceutical products, the Complainant owns Stilnox, a product which the Complainant developed for the management of sleep difficulties – insomnia – in adults. The product is sold, used, and recognized widely, and has gained a reputation and goodwill of its own.

The Complainant holds several trademark registrations worldwide for the trademark STILNOX (and its variations), including the following:

- International Trademark registration No. 485741 STILNOX, registered on May 21, 1984;
- French Trademark registration No. 1263152 STILNOX, registered on March 1, 1984;
- International Trademark registration No. 661753 STILNOX & Chinese Characters, registered on September 26, 1996;
- French Trademark registration No. 3172143 STILNOX logo, registered on June 28, 2002.

The Complainant holds several domain names containing the term “stilnox”, among them, the domain names <stilnox.com>, registered on December 2, 1998; <stilnox.net> and <stilnox.org>, both registered on November 8, 2000.

The Respondent did not file a Response and not much is known about the Respondent as a result thereof.

The disputed domain name was registered on April 21, 2025.

According to the evidence filed with the Complaint, the disputed domain name resolved to an inactive page which contained the message: “Sorry you have been blocked; you are unable to access stilnox.xyz”. At the time of Panel decision, this remains the same.

#### **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, in other words:

- the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has established rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute as follows: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the policy, these Rules, and any rules and principles of law that it deems applicable.”

The Respondent failed to file a Response or to contest the Complainant's assertions, but this does not automatically mean that the Complainant has established each of the three elements required under the Policy for a transfer of the disputed domain name. The Panel will review the evidence provided by the Complainant to verify that all three elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

Further, under paragraph 5(f) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and under paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as it considers appropriate.

The Panel has authority to decide the dispute, examining the three elements in paragraph 4(a) of the Policy, taking into consideration all the relevant evidence, annexed materials and allegations and carrying out limited independent research under the general powers of the Panel, amongst others, specified in paragraph 10 of the Rules.

#### **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.

The entirety of the 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 applicable Top-Level Domain ("TLD"): ".xyz" is viewed as a standard registration requirement and as such is disregarded under the first element of confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

#### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides the following non-exclusive circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name:

- (i) that before any notice of the dispute, the respondent has used or demonstrated preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods and services; or
- (ii) that the respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) that the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the complainant's trademark or service mark.

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 demonstrated that it has not granted the Respondent any license, authorization or permission to use the STILNOX trademark in the disputed domain name or is otherwise affiliated with the Respondent. Further, the Respondent is not commonly known by the disputed domain name – indeed the Respondent’s name “Miler Buck” bears no resemblance whatsoever to “stilnox” and the disputed domain name has not been used in connection with any active website since its registration in April 2025.

The Panel finds no evidence suggesting that the Respondent has made any preparations to use the disputed domain name in connection with a bona fide offering of goods or services as the disputed domain name resolves to a blank page without content and there is no indication of any legitimate commercial or non-commercial use. Previous panels have recognized passively holding a domain name that incorporates a Complainant’s trademark without demonstrable preparations for legitimate use does not establish rights or legitimate interests under the Policy.

The nature of the disputed domain name being identical to the Complainant’s distinctive and well-established trademark which has been registered in various jurisdictions worldwide prior to the disputed domain name, and is being used extensively, carries a high risk of implied affiliation, which cannot confer any rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.1.

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.

The Panel finds the second element of the Policy has been established.

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

The third element of the Policy requires that the Complainant establishes that the disputed domain name was both registered, as well as 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name 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 reputation of the Complainant, the distinctiveness and extensive use 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.

Having reviewed the record, the Panel finds that in the circumstances of this case, the Respondent’s registration and use of the disputed domain name constitutes 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 <stilnox.xyz> be transferred to the Complainant.

*/Uwa Ohiku/*

**Uwa Ohiku**

Sole Panelist

Date: July 18, 2025