

ADMINISTRATIVE PANEL DECISION

BioNTech SE v. Italo Tassara, biopharma.pe
Case No. D2025-2617

1. The Parties

The Complainant is BioNTech SE, Germany, represented by MSA IP – Milojevic Sekulic & Associates, Serbia.

The Respondent is Italo Tassara, biopharma.pe, Canada.

2. The Domain Name and Registrar

The disputed domain name <newbiontech.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 (biopharma.pe) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 9, 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 amended Complaint on July 10, 2025.

On July 9, 2025, the Center informed the Parties in Spanish and English, that the language of the registration agreement for the disputed domain name is Spanish. On July 10, 2025, the Complainant filed an amended Complaint in which it requested English to be the language of the proceedings.

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 Respondent of the Complaint, and the proceedings commenced on July 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2025. On July 10, 2025, and July 11, 2025, the Respondent sent various email communications to the Center, and the Response was filed with the Center on July 14, 2025.

On July 18, 2025, the Complainant sent an unsolicited supplemental filing regarding the language of the proceedings and previous activities by the Respondent; and, on the same date, the Respondent sent an email communication providing comments regarding the Complainant's supplemental filing.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on July 25, 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 2008 and is a biotechnology company focusing on developing therapeutics for cancer and other serious diseases, including individualized immunotherapy, as well as vaccines for infectious diseases. It developed, in collaboration with the pharmaceutical company Pfizer from the United States of America, the worldwide used and known in media as the BioNTech/Pfizer (or Pfizer/BioNTech) Covid-19 vaccine.

The Complainant holds several registrations of the trademark BIONTECH including, inter alia, European Union Trademark No. 008964447, BIONTECH, registered on December 22, 2010, in classes 1, 5, 42, and 44; European Union Trademark No. 016241465, BIONTECH, registered on November 9, 2017, in classes 1, 5, 9, 10, 16, 31, 41, 42 and 44; International Registration No. 1370266, BIONTECH, registered on July 10, 2017, in classes 1, 5, 16, 31, 42 and 44; and Canadian Trademark Registration No. TMA1085307, BIONTECH, registered on October 19, 2020, in classes 1, 5, 16, 31, 42 and 44; hereinafter collectively referred to as the "BIONTECH mark".

Prior decisions under the Policy have recognized the international well-known status of the BIONTECH mark.¹

The Complainant also holds a number of domain names comprising the BIONTECH mark, including <biontech.com> (registered on May 29, 1998), and <biontech.de> (registered on October 10, 2007), which respectively resolve to its corporate websites in English and German languages.

The disputed domain name was registered on June 25, 2025, and it resolves to an under-construction message landing page that contains the disputed domain name and indicates, in Spanish language, the text "En construcción. Regresa pronto para ver las novedades" that can be translated as "Under construction. Come back soon for updates".

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.

¹See, e.g., *BioNTech SE v. Name Redacted, biotech and Bio Tech, Thomas Petrilli*, WIPO Case No. [D2024-5052](#); *BioNTech SE v. Marcos Alonso*, WIPO Case No. [D2022-4904](#); *BioNTech SE v. jin*, WIPO Case No. [D2023-2021](#); *BioNTech SE v. Irina Fillingham*, WIPO Case No. [D2024-2703](#); and *BioNTech SE v. Jerry Robinson Hawkes*, WIPO Case No. [D2023-4093](#).

Notably, the Complainant contends its BIONTECH mark is worldwide famous due to its constant diffusion in all traditional and online media throughout the entire COVID-19 pandemic, and the disputed domain name is confusingly similar to this mark, as it incorporates the mark in its entirety. The additional elements, the term “new” and the generic Top-Level-Domain (“gTLD”) “.com” (a standard registration requirement) do not prevent the confusing similarity.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the terms “biontech” or “new biontech”, he is not affiliated with the Complainant, and he has no authorization to use the BIONTECH mark. The disputed domain name resolves to an under-construction message page, so the Respondent has not made any bona fide offering of goods or services. E-mail servers (MX Records) are configured in respect of the disputed domain name, which represents a high risk that the disputed domain name may be used to impersonate the Complainant or its affiliates, and it may be associated with phishing or other fraudulent activities.

The Complainant finally contends the disputed domain name was registered and is being used in bad faith. Due to the famous character of the BIONTECH mark, it is implausible that the Respondent was unaware of the Complainant when he registered the disputed domain name. Any search over the Internet reveals the Complainant and its trademark. The use of a privacy shield service, as well as the use of false or incomplete information for the registration of the disputed domain name, are further factors indicating bad faith. The organization name revealed by the registrar verification, “biopharma.pe” is a domain name that appears not to be registered. The passive holding of the disputed domain name does not preclude a finding of bad faith and disrupts the Complainant’s business; it could lead Internet users to believe the Complainant is not present or not active. Additionally, the configuration of e-mail servers (MX records) over the disputed domain name constitutes a use in bad faith and represents that the Respondent may be engaged in a phishing scheme or other fraudulent activity impersonating the Complainant.

In an Unsolicited Supplemental Filing, the Complainant further contends that upon receiving the Response (where the Respondent indicated his full name), the Complainant searched for his name over the Internet and found the Respondent presents himself as the Complainant’s “Commerce Marketing Manager” in his LinkedIn profile. In this profile, the Respondent further posted content inviting users to apply for a job at BioNTech within the team the Respondent claimed to be a member of. A search over the Internet further shows other various social media pages in which the Respondent has presented himself as “Commerce Marketing Manager” of the Complainant. The Respondent has never been an employee of the Complainant nor in any way connected with the Complainant, so this evidence supports the Respondent’s bad faith and the risk the disputed domain name may be used for fraudulent activities, such as phishing.

B. Respondent

The Respondent sent various email communications to the Center reiterating (i) he is no longer the registrant and/or he has no longer control over the disputed domain name; (ii) all accounts associated with the disputed domain name are already closed; and (iii) he is no longer residing in Canada, so any correspondence sent to his previous address in that country will not be received.

The Respondent additionally contends in the Response that the disputed domain name was registered only approximately two weeks before “with the sole intention of creating a corporate email account”, and, after realizing it was a mistake and a wrong company name, the disputed domain name was never used for any correspondence or any personal or commercial use.

The Respondent further contends he had already deleted the disputed domain name, and he “had no interest in keeping it or engaging in any proceedings related to it.” The Respondent does not claim any rights or legitimate interests in the disputed domain name. The disputed domain name was not registered in bad faith, but by mistake, and “it does not represent any registered trademark, business interest, or intent to compete with the complainant.” The disputed domain name was registered with no intention to harm any party or to gain any benefit, and it has already been deleted.

In reply to the Complainant's Unsolicited Supplemental Filing, the Respondent reiterates his previous allegations and further indicates, regarding his LinkedIn profile, that "I clarify that I do not actively use that account, and I do not recall ever indicating that I work for BioNTech. I am currently in contact with LinkedIn to recover access and remove or correct any inaccurate information. I have never claimed to be an employee of BioNTech, nor have I conducted any activity related to BioNTech, online or offline. I fully reject any suggestion of bad faith or intent to deceive." The Respondent further states he is fully willing to cooperate with any necessary clarification, including the possibility of a review of his accounts, communications, or online activities, to demonstrate that he has never engaged in any use of the BioNTech name or brand. He contends that his intention was to use the disputed domain name for a personal business idea, but it was immediately abandoned upon noticing the "unintended similarity."

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed materials and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

A. Procedural Questions

A.1. Admittance of Unsolicited Supplemental Filings

Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. Paragraph 12 of the UDRP Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case.

However, the Panel finds the Complainant showed the relevance of its Supplemental Filing for the decision of this case, as well as the fact that it could not have anticipated the allegations and evidence submitted therewith, as it did not know the Respondent's complete name until he used it in the Response.

Additionally, the Panel further finds the Respondent had the chance to rebut and reply to the Complainant's Supplemental Filing, and he did send an email communication addressing the Complainant's new allegations.

Paragraph 10 of the UDRP Rules vests the panel with the authority to determine the admissibility, relevance, materiality, and weight of the evidence and to conduct the proceedings with due expedition. Vested with this authority, the Panel admits the Parties Supplemental Filings, in all the content that is not reiterative of their already submitted allegations, as the Panel finds the new allegations and evidence may be relevant to the decision of this case. The Panel further finds the balance of the Parties has been preserved, and both Parties had an equal opportunity to present their case.

A.2. Language of the Proceeding

Pursuant to paragraph 11 of the UDRP Rules, unless otherwise agreed by the parties, the default language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise. Additionally, noting the aim of conducting the proceedings with due expedition, paragraph 10 of the UDRP Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality and that each party is given a fair opportunity to present its case.

The Complainant filed the Complaint in English and requested this language to be the language of the proceedings. It alleged (i) a lack of knowledge of Spanish, so it would be a disproportionate burden for it to

need translating all evidence and the Complaint; (ii) the Respondent (at least initially) was located in Canada, where English is one of the official languages, so the Respondent must be able to understand and use this language; (iii) the Respondent has further use for English with proficiency, both to communicate with the Center regarding this proceeding and to file the Response both in Spanish and in English; and (iv) the Respondent has posted content on his social media pages in English, which corroborates his knowledge of this language. Additionally, the Complainant indicates the disputed domain name includes an English term (“new”) and uses a gTLD, “.com”, which is intended to be international.

The Respondent, as alleged by the Complainant, used English to communicate with the Center and filed the Response both in Spanish and in English, albeit requesting Spanish to be the language of the proceedings.

The Panel finds the balance of the Parties and the need to keep their equal opportunities in presenting their case justifies the Complainant’s request for English to be the language of the proceedings. The Panel notes the Respondent’s ability to understand and use English in his communications and that he freely chose this language instead of Spanish in his communications, albeit filing the Response bilingually; whereas the Complainant (based in Germany) and its representation (based in Serbia) have alleged a complete lack of knowledge of this language. Therefore, the Panel determines English to be the language of the proceeding.

A.3. Possible Respondent’s Informal and/or Unilateral Consent for the transfer of the disputed domain name

The Panel notes the Respondent repeatedly contends he has abandoned or deleted the disputed domain name, and he has no interest in keeping the disputed domain name or engaging in any proceedings related to it. This may indicate, in the Panel’s view, a willingness to cooperate and his possible informal and/or unilateral consent for the transfer of the disputed domain name.

However, the Panel notes the Respondent provides no clear consent to the transfer of the disputed domain name to the Complainant and no evidence in support of its allegations of having requested the deletion or having abandoned the disputed domain name. Therefore, the Panel finds it appropriate to proceed to a substantive decision on the merits of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.10.

B. 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, namely the BIONTECH mark. [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 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, the word “new”, may bear on the assessment of the second and third elements, the Panel finds the addition of this 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.

The Panel further finds the gTLD “.com” is a standard technical requirement and, as such, irrelevant in the confusing similarity test under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

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

C. 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. On the contrary, he has indicated he claims no rights or legitimate interests in the disputed domain name, and he has reiterated the disputed domain name was registered by mistake for a certain project and it was immediately abandoned once the Respondent realized its “unintended similarity” with the Complainant and its trademark. The Respondent has further confirmed that the registration of the disputed domain name does not represent any registered trademark, business interest, or intent to compete with the Complainant.

The Panel notes the documents provided by the Complainant with its Supplemental Filing about the Respondent’s LinkedIn profile, evidencing the Respondent falsely presented himself as an employee of the Complainant, its “Commerce Marketing Manager”, and posted announcements or invitations to contact certain pages regarding pretended job opportunities in the Complainant’s company. The Parties have no relationship, and such job opportunities were false.

The Panel further notes the Respondent has not denied that the above-mentioned evidence refers to his LinkedIn profile, not denying his ownership of this social media profile, but he has alleged not using his account, not having control of this page, and not recalling ever indicating he works for the Complainant. He has further indicated that he has contacted LinkedIn to recover access and remove or correct any inaccurate information.

The Panel further notes the Respondent has not provided any evidence in support of his allegations or his efforts to remove such content from his LinkedIn profile.

Additionally, the Complainant has provided evidence of similar content in the Respondent’s profiles on other social media pages, where the Respondent also presented himself as the marketing manager of the Complainant’s company.

Accordingly, the Panel finds the circumstances of this case, and, in particular, the fact that there are MX records configured over the disputed domain name, as well as all evidence related to the Respondent’s social media profiles content, indicate a use of the disputed domain name to impersonate the Complainant, one of its affiliates, or one of its employees in any phishing scam or other type of fraudulent activity.

Panels have held that the use of a domain name for illegitimate or illegal activity here, claimed impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Therefore, the Panel finds the second element of the Policy has been established.

D. 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.

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.

In the present case, the Panel notes that the Respondent has alleged not having any bad faith and that he registered the disputed domain name by mistake, only after realizing that it was unintentionally similar to the Complainant and its BIONTECH mark. However, the Respondent has not provided any evidence of his alleged attempts to delete or abandon the disputed domain name, such as a copy of his communications to the Registrar in this respect, or his alleged attempts to rectify his LinkedIn profile (or his profiles on other social media platforms), where the Respondent appeared as being the Complainant's Commerce Marketing Manager.

Due to the famous character of the BIONTECH mark and the content of the Respondent's LinkedIn and other social media profiles, where the reference to the Complainant as "BioNTech SE" was clear, it is implausible that the Respondent did not know about the Complainant and its BIONTECH mark and did not target them with the registration of the disputed domain name. The Panel finds all the circumstances of this case point to the registration of the disputed domain name in bad faith.

The use of the disputed domain name has been limited to an under-construction page and the configuration of MX records over the disputed domain name to actively use it in email correspondence, with no rights or legitimate interests that may justify this use. The Panel notes that the Respondent admits he registered the disputed domain name "with the sole intention of creating a corporate email account". Additionally, the Respondent presented himself as the marketing manager of the Complainant's company on various social media profiles and other pages, with no legitimate right to do so.

Panels have held that the use of a domain name for illegitimate or illegal activity here, claimed impersonation/passing off, phishing, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Accordingly, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel further finds, according to the Complainant's allegations, that the use of false or incomplete information for the registration of the disputed domain name, are further factors indicating bad faith. In this respect, the Panel notes the Respondent did not use his complete name for the registration of the disputed domain name and indicated, as his organization, a domain name ("biopharma.pe") that the Respondent himself indicated in one of his communications to the Center was completely unrelated to him. On July 10, 2025, the Respondent sent an email communication to the Center indicating, "[...] I would like to clarify that I am not the registrant of the domain name "biopharma.pe". I have no ownership, control, or any connection whatsoever with that domain. My only domain is "newbiontech.com", and I am not involved in any activities related to "biopharma.pe"."

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 <newbiontech.com> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: August 8, 2025