

ADMINISTRATIVE PANEL DECISION

Perrigo Pharma International DAC v. tu he
Case No. D2025-2971

1. The Parties

The Complainant is Perrigo Pharma International DAC, Ireland, represented by Omega Pharma Innovation & Development NV, Belgium.

The Respondent is tu he, Algeria.

2. The Domain Name and Registrar

The disputed domain name <perrigous.shop> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 (Anonymous) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 July 29, 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 July 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on August 29, 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 international pharmaceutical group specialized in branded and private label self-care products. The Complainant owns registrations to the PERRIGO trademarks all over the world, such as:

- the United States registration No. 3823823 for the PERRIGO (word mark) trademark, registered on July 27, 2010.
- the United States registration No. 4262523 for the PERRIGO (logo) trademark, registered on December 18, 2012.
- the European Union registration No. 000176883 for the PERRIGO (word mark), registered on December 16, 1999.

The disputed domain name was registered on June 7, 2025. The disputed domain name currently does not resolve to any active website. In the past, the disputed domain name directed Internet users to an online store, which offered purported PERRIGO goods for sale along with competing goods. The website under the disputed domain name used to display the Complainant's trademark and a purported Complainant's copyright notice.

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 the disputed domain name is confusingly similar to its PERRIGO trademark because the disputed domain name reproduces the Complainant's mark in its entirety. The Complainant argues that the inclusion of the country code "us" fails to alleviate the confusion between the disputed domain name and the Complainant's trademark instead creating an impression of an official Complainant's website for the United States. The Complainant argues that the addition of the generic Top-Level Domain ("gTLD") ".shop" is insufficient to avoid confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name because: (i) there is no evidence that the Respondent owns any trademark right in the PERRIGO mark; (ii) the Respondent's is neither affiliated or has been authorized by the Complainant to use its PERRIGO trademark in the disputed domain name or in any other form; (iii) the disputed domain name resolves to a website that offers for sale the Complainant's goods along with goods of its competitors which are claimed to be the Complainant's goods. The Complainant argues that the majority of goods offered on the Respondent's website are third-party goods. The Complainant contends that the website under the disputed domain name prominently displays the Complainant's trademark and the notice "copyright 2025 © Perrigo". According to the Complainant, the website under the disputed domain name fails to accurately disclose lack of relationship with the Complainant. Finally, the Complainant contends that it contacted both the Registrar and the Respondent requesting to take down the Respondent's website. The email directed to the Respondent bounced back because it was inactive.

The Complainant asserts that the Respondent registered the disputed domain name in bad faith, because the Respondent registered it with the Complainant's trademark in mind. The Complainant argues that its trademark is well-established throughout the world, so it is unlikely that the Respondent did not know about the Complainant's mark at the time of the disputed domain name's registration. The composition of the disputed domain name, goods offered for sale on the website associated with the disputed domain name and the copyright notice "copyright 2025 © Perrigo" displayed on the site, support this conclusion. The Complaint contends that the Respondent intentionally attempted to attract for commercial gain, Internet users to his website, by creating likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of his website. The Complainant contends that as a result of the Complainant's request to the Registrar, the website under the disputed domain name was disabled.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The inclusion of the gTLD ".shop" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms here, the country code "us", 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.

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.

The evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent is not making legitimate noncommercial or fair use of the disputed domain name or uses it for bona fide offering of goods or services, because the disputed domain name does not direct to an active website. The Respondent has not been authorized by the Complainant to use the Complainant’s distinctive trademark in a domain name.

Nor does the Respondent’s prior use of the disputed domain name establish any rights or legitimate interests of the Respondent. Previous UDRP panels have recognized that resellers or distributors using domain names containing the complainant’s trademark to undertake sales of the complainant’s goods may be making a bona fide offering of goods and thus have rights or legitimate interests in such domain names in some situations.

Outlined in the *Oki Data* case,¹ the following cumulative requirements must be satisfied for the respondent to make a bona fide offering of goods and services:

- “(i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder;
- and
- (iv) the respondent must not try to corner the market in domain names that reflect the trademark.”

Here, the disputed domain name used to resolve to the online store, which offered for sale the Complainant’s goods along with goods of Complainant’s competitors. The website prominently displayed the Complainant’s trademark, a copyright notice along with the Complainant’s name without any notice about the Respondent or its lack of affiliation with the Complainant. Therefore, the Respondent failed to satisfy the *Oki Data* test.

The current passive holding of the disputed domain name, also does not grant the Respondent any rights or legitimate interests.

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.

¹ See [WIPO Overview 3.0](#), section 2.8.1; and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

In the present case, the Panel notes that the Respondent registered the disputed domain name incorporating the Complainant's PERRIGO trademark and the country code "us" many years after the Complainant's first trademark registration. The Respondent's lack of rights or legitimate interests in the disputed domain name, the absence of a credible explanation for choosing the disputed domain name, the composition of the disputed domain name and the Respondent's past use of the disputed domain name to direct to a website offering for sale Complainant's and competing goods indicate that the disputed domain name was registered in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), "bad faith" registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion; (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful; (iii) the lack of a respondent's own rights to or legitimate interests in a domain name; (vi) absence of any conceivable good faith use. [...]" [WIPO Overview 3.0](#), section 3.1.4.

Here, the Respondent who has no rights to or legitimate interests in the disputed domain name registered the disputed domain name that incorporates the Complainant's trademark that was used for an online store selling the Complainant's and competing goods. The online store prominently displayed the Complainant's trademark and the copyright notice suggesting that the website belongs to the Complainant. Some of the products on the Respondent's website that were manufactured by third parties, were represented to be the Complainant's goods. Therefore, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, the Internet users to the Respondent's 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 the Respondent's website or location, or of a product or service on the Respondent's website or location.

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 finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy because of the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's past use of the disputed domain name.

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 <perrigous.shop> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: September 12, 2025