

## **ADMINISTRATIVE PANEL DECISION**

**Bayer Intellectual Property GmbH v. Mark Jiang and Hoie smith**  
**Case No. D2025-3173**

### **1. The Parties**

The Complainant is Bayer Intellectual Property GmbH, Germany, represented by pm.legal, Germany.

The Respondents are Mark Jiang, China and Hoie smith, Malaysia.

### **2. The Domain Names and Registrars**

The disputed domain name <levitrarz.com> is registered with NetEarth One Inc. d/b/a NetEarth. The disputed domain name <online-levitra.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 8, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On August 8, 2025, the Registrar Web Commerce Communications Limited dba WebNic.cc transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <online-levitra.com> which differed from the named Respondent (Whoisprotection.cc) and contact information in the Complaint. On August 12, 2025, the Registrar NetEarth One Inc. d/b/a NetEarth transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <levitrarz.com> which differed from the named Respondent (WHOIS IDCPrivacy Service c/o) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 14, 2025, with the registrants and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 15, 2025.

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 Respondents of the Complaint, and the proceedings commenced on August 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 15, 2025.

The Center appointed Anita Gerewal as the sole panelist in this matter on September 23, 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 the IP holding company of Bayer AG, a multinational company with key strengths in healthcare, nutrition, and crop protection. It operates through over 374 consolidated entities across 83 countries and employs more than 99,000 people globally. The company conducts business on all five continents, engaging in the production and sale of a wide range of products, including human pharmaceuticals, medical care items, diagnostic solutions, and agricultural chemicals.

The product LEVITRA, marketed by Bayer group since March 2003, is a prescription medicine that is used to treat erectile dysfunction (ED). The product is sold in numerous countries worldwide (i.e. the United Kingdom, Ireland, the United States of America, Austria, Norway, Spain, France, Brazil, Germany, Italy, New Zealand, Portugal, Australia, Mexico, Republic of Korea, Kuwait, Taiwan Province of China, Hong Kong, China, Israel) and was first sold in Germany from March 12, 2003.

The Complainant is the owner of numerous LEVITRA trademark registrations internationally, including the International Trademark Registration No. 744146, in international class 5, registered on September 25, 2000, designating several countries.

The Complainant is also the registrant of the domain name <levitra.com> since May 15, 2000.

The disputed domain name <levitrarz.com> was registered on March 13, 2024 and the disputed domain <online-levitra.com> was registered on February 8, 2022. Both disputed domain names currently resolve to a page offering for sale purportedly unauthorized products, which are branded with the Complainant's LEVITRA Mark.

#### **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 names.

Notably, the Complainant contends that the disputed domain names fully incorporate the well-known LEVITRA Mark and are confusingly similar to the said mark. The well-known LEVITRA Mark is clearly recognizable in the disputed domain names. The additional terms "rz" and "online" do not avoid a finding of confusing similarity.

The Complainant also contends that the LEVITRA Mark is well-known and obviously connected with the Complainant and its products. "Levitra" is not a word any market participant or other domain registrant would legitimately choose unless seeking to create an impression of an association with the Complainant. The Complainant has not licensed or otherwise permitted the Respondents to use any of its trademarks and has not permitted the Respondents to apply for or use any domain name incorporating the LEVITRA Mark. These circumstances themselves are sufficient to constitute prima facie showing by the Complainant of absence of rights or legitimate interests in the disputed domain names on the part of the Respondents.

The Complainant further submits that there is no evidence of the Respondent's use of, or demonstrable preparations to use the disputed domain names or names corresponding to the disputed domain names in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. The Respondents are using the disputed domain names for a website offering products at least similar to the Complainant's products and using the Complainant's trademarks. Even if such goods were genuine (as in fact not), the use of the disputed domain names would not be bona fide under the Policy. The Respondents do not visibly disclose its relationship with the trademark holder. On the contrary, the websites prominently feature the LEVITRA mark and the Complainant's flame logo at the top and the bottom of the websites, which gives the false impression that the website is operated or at least somehow associated or approved by the Complainant. Therefore, even if the products offered presumed to be genuine, the Respondents' use of the disputed domain names does not meet the Oki Data criteria. There is also no evidence which suggests that the Respondents are making a legitimate non commercial or fair use of the disputed domain names or is commonly known by the disputed domain names or either the name "LEVITRARZ" or "ONLINELEVITRA".

The Complainant contends that it is inconceivable that the Respondents registered the disputed domain names without awareness of the Complainant's rights in its highly distinctive and well-known LEVITRA mark, which are obviously connected with the Bayer group of companies. The fact that the Respondents offer one of the Complainant's products (even if not genuine) and uses the Complainant's flame logo on its websites evidences that the Respondents deliberately target the Complainant and its trademarks with the disputed domain names. The websites available at the disputed domain names give the false impression that they are operated, authorized or at least approved by the Complainant. The Respondents are using the disputed domain names to operate websites that offer counterfeit products or unauthorized deals with the Complainant's products which have been found to be proof of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names resolve to websites which are virtually identical in structure and layout with identical pictures, likely created using a single, shared template that was replicated between the websites. This evidence suggests that there is a strong indicator of shared backend, design, or ownership and a high probability that a single entity exhibits common control over the websites to which the domain names resolve.

The Complainant further submitted that both disputed domain names appear to be accessible only via a Taiwanese IP address, which suggests the use of a specific and uncommon server-side configuration. Such

peculiar geolocation-based access control, evidently a deliberate decision, coupled with the presence of identical website content, may indicate that the domain names are under common control. The Panel agrees with the Complainant that the disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

### **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the LEVITRA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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, “rz” and “online”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel observes that the Complainant has no relationship in any way with the Respondent and did not authorize the Respondent’s use of the LEVITRA trademark. The Panel also notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain names in the sense of paragraph 4(c)(ii) of the Policy.

Further, the Panel observes that the disputed domain names resolve to websites offering the same products as the Complainant, using the Complainant's trademark. Therefore, the Panel is of the opinion that the Respondent's use of the disputed domain names is in a manner that creates confusion with the Complainant and its trademark rights, which does not support a finding of rights or legitimate interests in the disputed domain names on the part of the Respondent.

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.

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 registered the disputed domain names many years after the Complainant first registered its LEVITRA mark. The disputed domain names contain the Complainant's trademark in its entirety. This would be an indication that the Respondent registered the disputed domain names with knowledge of the Complainant's trademark, with an intention to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

The Panel further notes that the disputed domain names resolve to websites displaying the Complainant's trademark and offering products similar to those of the Complainant. This deliberate imitation serves as compelling evidence that the Respondent was fully aware of the Complainant's trademark rights at all relevant times and intentionally adopted and used the disputed domain names to target the Complainant's business. The Panel finds that the disputed domain names constitute abusive registrations which were registered and are being used in bad faith in order to take advantage of the significance of the Complainant's trademark.

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 names <levitraz.com> and <online-levitra.com> be transferred to the Complainant.

*/Anita Gerewal/*

**Anita Gerewal**

Sole Panelist

Date: October 7, 2025