

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Panashchenko Svitlana
Case No. D2025-3262

1. The Parties

The Complainant is Eli Lilly and Company, United States of America ("United States"), represented by Faegre Drinker Biddle & Reath LLP, United States.

The Respondent is Panashchenko Svitlana, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <mounjaro-israel.com> is registered with Hosting Ukraine LLC (ua.ukraine) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 14, 2025. On August 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 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 (Privacy Protection, Hosting Ukraine LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 August 21, 2025, and a second amendment to the Complaint on August 22, 2025.

On August 21, 2025, the Center informed the Parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On August 21 and 22, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that the Complaint together with the amendments 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 August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 17, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on September 18, 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, Eli Lilly and Company, is the owner of the pharmaceutical product MOUNJARO. According to the Complaint, the product has achieved significant commercial success and recognition. MOUNJARO was approved by the United States Food and Drug Administration ("FDA") in May 2022 and subsequently launched. In the first half of 2025, the product generated more than USD 9 billion worldwide.

The Complainant has evidenced to be the registered owner of numerous trademark registrations for MOUNJARO, including, but not limited to, the following:

- United States trademark registration No. 6809369, registered on August 2, 2022, for the word mark MOUNJARO, in class 5;
- European Union trademark registration No. 018209187, registered on September 8, 2020, for the word mark MOUNJARO, in class 5; and
- Ukrainian trademark registration No. 329196, registered on February 15, 2023, for the word mark MOUNJARO, in class 5.
- Israeli trademark registration No. 337325, registered on October 3, 2022, for the word mark MOUNJARO, in class 5.

The Complainant also owns and operates the commercial website located at the domain name <mounjaro.com>, which it has used to provide information and promotional services for its pharmaceutical product MOUNJARO. According to the Complainant, the website redirects to <mounjaro.lilly.com> and has been actively used since at least May 17, 2022.

The aforementioned trademarks and domain names were registered prior to the disputed domain name which was registered on March 9, 2025. The disputed domain name redirects to a website prominently displaying the Complainant's trademarks and logo, and purporting to sell "certified" MOUNJARO products to patients without the legally required prescription.

According to the disclosed Whois information, the Respondent is located in Ukraine.

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 asserts that the MOUNJARO trademark is highly distinctive.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's MOUNJARO trademarks, as it reproduces the mark in its entirety. The addition of a geographical term "israel", does not prevent a finding of confusing similarity and, in fact, reinforces the association with the Complainant, as consumers are likely to believe that the disputed domain name is an official website used by the Complainant to promote its MOUNJARO products in Israel. The Complainant further notes that the generic Top-Level Domain ("gTLD") ".com" should be disregarded under the first element as it is a standard registration requirement.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name, as (1) the Respondent is not commonly known by the disputed domain name; (2) the Complainant is not affiliated with the Respondent, and has never licensed or otherwise authorized the Respondent to register the disputed domain name; and (3) the disputed domain name is not used in connection with a bona fide offering of goods or services. Instead, the Complainant submits that the Respondent registered the disputed domain name to exploit the reputation of the Complainant's MOUNJARO trademark for commercial gain, including by directing Internet traffic to a website purporting to sell MOUNJARO products without prescriptions, failing to disclose the lack of any relationship with the Complainant, concealing its identity, and using communication channels unsuitable for pharmaceutical transactions. The Respondent therefore fails to satisfy the criteria of fair use as established by "Oki Data test".

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. In particular: (i) the disputed domain name is confusingly similar to the well-known MOUNJARO trademark, registered by an entity unrelated to the Complainant, thereby creating a presumption of bad faith; (ii) the disputed domain name resolves to a commercial website prominently featuring the Complainant's MOUNJARO trademarks and logo, and purporting to sell the Complainant's goods, thereby attempting to attract Internet users for commercial gain by creating a likelihood of confusion as to source, affiliation, or endorsement with the Complainant; and (iii) the Respondent is using the disputed domain name to sell purported MOUNJARO products without the required prescription and in jurisdictions where the product is not distributed by the Complainant, thereby endangering consumer health, which further supports a finding of bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Matters

The Panel notes that the information provided by the Registrar shows that the Respondent is located in Ukraine. Ukraine is currently subject to an international conflict at the date of this Complaint and this Decision. The Panel is required to consider under paragraph 10 of the Rules whether the proceedings should continue.

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 that the administrative proceedings take place with due expedition.

The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case. The Panel notes the following factors:

The record shows that the Notification of Complaint was sent by email to the Respondent at the address disclosed by the Registrar. No bounce-back messages suggesting the abovementioned email was not delivered to the Respondent's email address disclosed by the Registrar were received by the Center after commencement of the proceedings. The Center also sent a postal notification to the Respondent's mailing address disclosed by the Registrar, which was reported to have arrived in the destination country on September 7, 2025, and reached its collection point on September 8, 2025. In these circumstances the Panel is satisfied that proper notice has been given to the Respondent.

The Panel further notes that the disputed domain name was registered on March 9, 2025, more than three years after the commencement of the international conflict. This indicates that, at the time of registration, the Respondent was able to provide the Registrar with a functioning address despite the conflict, and therefore appears capable of controlling both the disputed domain name and the related content. Moreover, given that the Respondent evidently has Internet access, it is reasonable to conclude that the Respondent would have received at least electronic notice of this proceeding.

Also as noted 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 with knowledge of the Complainant and with the intention of unfairly targeting the Complainant's trademark and goodwill.

The Panel concludes that the Parties have been given a fair opportunity to present their case. In order that the administration of proceedings takes place with due expedition, the Panel proceeds to a Decision accordingly.

6.2. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.5.1).

The Complaint has been submitted in English, and the Complainant requested that English be the language of the proceedings. The Complainant argued that English is appropriate because the Respondent is presumed to understand it, whereas translating the Complaint into Russian would cause unreasonable expenses and delay. The website associated with the disputed domain name offers both English and Russian language options, further indicating that the Respondent is capable of understanding English.

The Center transmitted all communications to the Respondent in both English and Russian, and invited the Respondent to comment on the language of the proceedings. The Respondent, however, did not submit any Response.

Having considered all relevant circumstances, including the Respondent's ability to understand English, the absence of any objection, and the need to avoid undue delay or expenses by translating all materials for the Complainant, the Panel finds it appropriate to exercise its discretion under paragraph 11(a) of the Rules. The Panel concludes that conducting the proceedings in English is fair, reasonable, and efficient and that the Respondent will not be disadvantaged by this decision. Accordingly, the Panel determines that the language of the proceedings shall be English.

6.3. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name 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.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 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.

Although the addition of other terms, here, "israel" and a hyphen, 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.

Indeed, the Complainant has confirmed that the Respondent is neither affiliated with, nor otherwise authorized or licensed by the Complainant to use the MOUNJARO trademarks in connection with the disputed domain name or otherwise. Also, there is no evidence that the Respondent is commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The disputed domain name resolves to a website purporting to sell the Complainant's MOUNJARO product without prescription, including in jurisdictions where the drug is not distributed by the Complainant. The website makes extensive use of the Complainant's MOUNJARO trademark and logo, and includes representations such as "authentic" and "original MOUNJARO from certified manufacturers."

The Panel has considered whether the Respondent could be regarded as a reseller or service provider that may have legitimate interests in a disputed domain name under the criteria set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). These criteria require that:

- (i) the respondent must actually offer the goods or services at issue;
- (ii) the respondent must use the website to sell only the trademarked goods or services;
- (iii) the website must accurately and prominently disclose the respondent's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

In this case, the Respondent fails to satisfy these requirements. First, the Respondent is not a bona fide distributor of the Complainant's products; rather, it distributes pharmaceuticals of doubtful origin and authenticity, and without the required prescription. Prior panels have consistently held that the use of a domain name for illegal or fraudulent activity, such as the sale of unauthorized, gray-market or illegal pharmaceuticals, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Second, the Respondent's use of the Complainant's trademarks, coupled with the absence of any disclaimer, creates a misleading impression of affiliation or endorsement by the Complainant.

Finally, the Panel finds that the Respondent's website is deliberately designed to create confusion as to its association with the Complainant and its trademarks, in order to divert traffic, exploit the Complainant's reputation for commercial gain. Such conduct can never be regarded as a bona fide offering of goods or services under the Policy. [WIPO Overview 3.0](#), section 2.4.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has not provided relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name, and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant's MOUNJARO trademarks predate the Respondent's registration of the disputed domain name. Furthermore, the Complainant's products have achieved significant commercial success since their launch, contributing substantially to the reputation of the trademark. The disputed domain name incorporates the Complainant's trademark in its entirety together with a hyphen and the geographical term "israel", which suggests it resolves to an official website directed to Israeli consumers. The corresponding website makes extensive use of the Complainant's MOUNJARO trademark and logo, and purports to sell the Complainant's product. These factors clearly demonstrate that the Respondent was aware of the Complainant's rights and business at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent's use of the Complainant's trademark and logo confirms that the disputed domain name was deliberately chosen to create an impression of affiliation with the Complainant. In the Panel's view, the Respondent has intentionally sought to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the website or the products offered thereon. Pursuant to paragraph 4(b)(iv) of the Policy, such conduct constitutes evidence of registration and use of the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Finally, panels have held that the use of a domain name for illegal activity, here, claimed illegal sale of controlled pharmaceuticals without prescription, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of 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 <mounjaro-israel.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: October 2, 2025