

## ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Joony Smith

Case No. D2025-3275

### 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 Joony Smith, Pakistan.

### 2. The Domain Name and Registrar

The disputed domain name <elilillyonlinestore.com> is registered with CloudFlare, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 15, 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 Complaint on August 18, 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 August 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 12, 2025.

The Center appointed Alvaro Loureiro Oliveira 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 is an international pharmaceutical company that has been in business for over 145 years. The Complainant has introduced to market drugs such as Prozac, Zyprexa, and Cialis, and developed a method to mass-produce penicillin as early as the 1940s.

The Complainant has owned a United States trademark registration for the ELI LILLY AND COMPANY mark (Registration No. 113,361) since October 17, 1916. The Complainant has also owned a United States trademark registration for the LILLY mark (Registration No. 1,226,434) since February 8, 1983, in association with medicines, pharmaceutical preparations, and drugs.

The Complainant operates its official website at <lilly.com>, which predominately features the red LILLY logo that the Complainant uses throughout the world. The website is used to advertise and provide information about the Complainant's products. The <lilly.com> domain name was registered by the Complainant on May 10, 1991.

The disputed domain name was registered on May 31, 2025, and resolves to a commercial website that purportedly sells pharmaceutical products — specifically, the Complainant's Mounjaro and Zepbound, as evidenced in the Complaint. The website has also used one of the Complainant's Street addresses.

#### **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 currently owns 178 registrations of the LILLY mark in 114 countries, and also owns the registration of the ELI LILLY AND COMPANY mark. The Complainant states that the disputed domain name is confusingly similar to the trademarks LILLY and ELI LILLY AND COMPANY — in fact, the disputed domain name includes the trademark LILLY in its entirety and the distinctive elements of the trademark ELI LILLY AND COMPANY, together with the descriptive expression “online store”.

The Respondent has no rights nor legitimate interests in the disputed domain name, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain name. As stated by the documents presented, the registration and use of the trademarks LILLY and ELI LILLY AND COMPANY predates the registration of the disputed domain name in decades. Moreover, the Respondent is not commonly known by the disputed domain name. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademark.

Lastly, the disputed domain name resolves to a page that sells either counterfeit or gray market versions of the Complainant's pharmaceutical products without a prescription in jurisdictions in which the products have not been legally approved for distribution, without disclosing the Respondent's lack of a relationship with the Complainant, and such evidence is presented in Annex 7 to the Complaint. The page for which the disputed domain name directs creates a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement. In addition, the Respondent has established a pattern of bad faith conduct, see *Eli Lilly and Company v. Hussnain Raza Sheikh, Hosting PK; Ghulam Mustafa, dmnic.com; Pharma Medical, Pharma Medical; and Joony Smith*, WIPO Case No. [D2025-1505](#).

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain name, and that 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**

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- 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 to 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 disputed domain name is confusingly similar to the LILLY and ELI LILLY AND COMPANY trademarks, as the former is entirely incorporated in the disputed domain name, and the dominant part of the latter is also entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademarks LILLY and ELI LILLY AND COMPANY in jurisdictions throughout the world, by presenting registrations for it, as well as comprehensive evidence of the use of the trademark. The addition of the expression "online store" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's LILLY and ELI LILLY AND COMPANY trademarks.

The trademarks are clearly recognizable in the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the generic Top-Level Domain ("gTLD"), in this case ".com", is typically disregarded under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

## **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.

Given the clear evidence that the trademarks LILLY and ELI LILLY AND COMPANY are registered in the name of the Complainant and are widely known as identifying the Complainant’s activities, that the Complainant has not licensed them to the Respondent to use, and the evidence that the Respondent is using the disputed domain name in connection with a web page, displaying the Complainant’s LILLY trademark and logo and using one of the Complainant’s street addresses, that purportedly sells pharmaceutical products — specifically, the Complainant’s own Mounjaro and Zepbound products, the Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such *prima facie* case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

### **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 finds that the Respondent has probably registered the disputed domain name with the purpose of taking unfair advantage of the Complainant’s mark. The addition of the expression “online store” in the disputed domain name points towards the Respondent’s likely intent to give the impression that the disputed domain name, which is confusingly similar to the Complainant’s LILLY and ELI LILLY AND COMPANY trademarks, is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not that the disputed domain name has been registered to take unfair advantage of the trademarks owned by the Complainant.

The fact that the disputed domain name resolves to a page, without disclosing the Respondent’s lack of the relationship with the Complainant, that sells what appears to be either counterfeit or gray market versions of the Complainant’s pharmaceutical products to jurisdictions around the world including those in which the products have not been legally approved for distribution, suggests that the Respondent’s main goal is to profit from the confusion created among Internet users. This has been supported by the Respondent’s use of the Complainant’s LILLY trademark and logo and one of the Complainant’s Street addresses on the website at the disputed domain name.

Hence, the Panel finds that the Respondent has registered and used the disputed domain name deliberately in order to take advantage of the Complainant’s reputation in its trademarks and to give credibility to its operation of the website at the disputed domain name for commercial gain.

In addition, the Respondent has been involved in a previous case (*Eli Lilly and Company v. Hussnain Raza Sheikh, Hosting PK; Ghulam Mustafa, dmnic.com; Pharma Medical, Pharma Medical; and Joony Smith*, *supra*) filed by the Complainant, in which the panel found that the Respondent had registered and used the domain names in bad faith.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name in bad faith.

## **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 <elilillyphonestore.com> be transferred to the Complainant.

*/Alvaro Loureiro Oliveira/*

**Alvaro Loureiro Oliveira**

Sole Panelist

Date: October 2, 2025