

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Jay Adams
Case No. D2025-3281

1. The Parties

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

The Respondent is Jay Adams, US.

2. The Domain Name and Registrar

The disputed domain name <lillypharma.shop> is registered with Hostinger Operations, UAB (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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) 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 the 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 16, 2025.

The Center appointed Stefan Naumann as the sole panelist in this matter on October 7, 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 major US pharmaceutical company founded in 1876 that notably developed and markets since 2022 and 2023 two high profile and highly successful obesity and diabetes treatments and notably owns the US trademark LILLY (No. 1226434) registered on February 8, 1983, indicating a first use in commerce on February 1, 1895, that designates medicines, pharmaceutical preparations and drugs in class 5 of the Nice Classification of goods and services. The Complainant also owns the European Union trademark LILLY (No. 003702248) filed on March 5, 2004, registered on July 28, 2005 for products and services in classes 1, 5, 10, 42 and 44 of the Nice Classification of goods and services.

The Complainant has submitted copies of the registrations of the various US, United Kingdom and other LILLY trademarks it owns in other jurisdictions and indicates that it also owns the domain name <lilly.com>. The trademarks were registered before 2024.

The disputed domain name was registered on November 17, 2024. It resolves to a website that offers for sale for weight loss the Complainant's blockbuster prescription products that may be counterfeit as well as competitors' products, without prescription and offers shipment of these products to various countries.

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 its LILLY trademarks predate the disputed domain name and are well known, that the Respondent has no permission from the Complainant to use the Complainant's trademarks or apply for a domain name with the Complainant's trademarks, that the Respondent is not commonly known by and does not have a right or legitimate interest with respect to the disputed domain name in connection with a bona fide offer of goods or services, and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits robust evidence that the disputed domain name resolves to a website that offers for sale without prescription competitors' products and likely counterfeit or grey market versions of the Complainant's products and offers shipment of orders to various countries in which these pharmaceutical products have not been approved for distribution according to the Complainant, and argues that such a use of the disputed domain name (i) cannot constitute a bona fide offer of goods or services and (ii) constitutes bad faith use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must demonstrate that all three elements listed in paragraph 4(a) of the Policy have been satisfied:

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

Paragraph 15(a) of the Rules provides that a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. Paragraphs 10(b) and 10(d) of the Rules provide that a panel shall ensure that the parties are treated with equality and shall determine the admissibility, relevance, materiality, and weight of the evidence.

Paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, the Rules, a panel shall draw such inferences therefrom as it considers appropriate.

In the present matter, the Respondent did not reply to the Complainant's contentions.

While the Respondent's failure to respond does not automatically result in a decision in favor of the Complainant, the Panel is entitled to draw appropriate inferences therefrom, in accordance with paragraph 14(b) of the Rules (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), paragraph 4.3).

A. Identical or Confusingly Similar

The test for the first element requires a reasoned but straightforward comparison between the Complainant's LILLY trademarks and the disputed domain name ([WIPO Overview 3.0](#), section 1.7).

The disputed domain name combines the LILLY trademarks with the term "pharma" and the Top-Level Domain ".shop".

The Complainant cites prior UDRP decisions that specifically found that the "addition of the term 'pharma' to the Complainant's MOUNJARO mark does not prevent the finding of confusing similarity" (*Eli Lilly and Company v. Ajaro Evans, mounjao mounjaro*, THE GREEN SOLUTION, WIPO Case No. [D2024-3314](#); *Eli Lilly and Company v. David Royal/Namecheap*, WIPO Case No. [D2024-2074](#) (confusing similarity despite inclusion of the terms "online" as well as "pharmacy"); see also [WIPO Overview 3.0](#), section 1.8) and argues that as a result, the addition of the term "pharma" to the Complainant's trademark in the disputed domain name neither prevents a finding of confusing similarity nor negates the distinctiveness of the Complainant's LILLY trademarks.

For the purpose of assessing identity or confusing similarity in the present matter, the Panel considers that the LILLY trademarks are fully reproduced and remain recognizable in the disputed domain name.

The Panel is thus satisfied that the disputed domain name is confusingly similar to the Complainant's LILLY trademarks for the purposes of the Policy.

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 complainants, panels regularly consider that once a complainant has made out a prima facie case that a respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with evidence demonstrating his or her rights or legitimate interests in the domain name. If a respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests and finds no indication in the evidence that the Respondent could claim rights or legitimate interests in the term “Lilly” or the disputed domain name.

As outlined in *Oki Data Americas, Inc v. ASD, Inc* (WIPO Case No. [D2001-0903](#)), where a respondent uses a domain name that is confusingly similar to a complainant’s trademark to sell genuine products with complainant’s trademark, the respondent’s use may create a right or legitimate interest within the meaning of the Policy only if it meets four requirements: (i) respondent is actually offering the goods or services at issue; (ii) respondent uses the website to sell only the genuine trademarked goods or services; (iii) the website accurately discloses respondent’s relationship with the trademark owner; and (iv) respondent must not try to corner the market in all domain names and thus deprive the trademark owner of reflecting its own mark in a domain name.

The Complainant argues and provides evidence that in the present matter the Respondent uses the disputed domain name to offer for sale without prescription likely counterfeit or grey market versions of the Complainant’s pharmaceutical products and competitors’ products and offers shipment of orders to various countries in which these pharmaceutical products have not been approved for distribution according to the Complainant.

The Panel further considers that the addition of the term “pharma” to the Complainant’s trademark in the disputed domain name, coupled with its use, can mislead Internet users into believing that the website is operated or endorsed by the Complainant, as the Complainant is a well-known major pharmaceutical company. The Panel is satisfied (i) that the Respondent’s use of the disputed domain name fails the Oki Data test because the website to which the disputed domain name resolves does not disclose the lack of relationship between the Respondent and the Complainant, offers third party competing products, likely offers counterfeit or grey market goods in violation of health and consumer protection regulations, and provides false and/or incomplete contact information for the Respondent, and (ii) that this use cannot confer rights or legitimate interests on the Respondent within the meaning of the Policy ([WIPO Overview 3.0](#), section 2.8).

The record does not point to any further circumstances that may support a rights or legitimate interests defense.

The Respondent has chosen not to reply to the Complaint and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Since the Respondent has no permission from the Complainant and chose not to respond to the Complaint, his registration of the disputed domain name is without rights or legitimate interests in light of the Respondent’s use of the disputed domain name to offer for sale third party competing products, likely counterfeit or grey market versions of the Complainant’s pharmaceutical products in violation of health and consumer protection regulations, and absent any indication of circumstances that may support a rights or legitimate interests defense.

The Panel therefore finds that in the present case the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

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

C. Registered and Used 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 matter, the content of the website associated with the disputed domain name includes an online store that sells only pharmaceutical products, including products purported to be the Complainant's blockbuster obesity and diabetes treatments, displays a Lilly Pharma logo in the upper left corner of each webpage, and purportedly offers these and competing products for sale and shipment to countries where they have not received marketing authorizations, without prescription, for weight loss.

The website with the disputed domain name in addition claims that the Respondent, doing business as Lilly Pharma, is a trusted resource, reputable center, leading weight loss center with a vision, mission, commitment, and focus, whereas in reality the Respondent is hiding behind the veil of a privacy service while purportedly selling prescription drugs and/or counterfeits thereof without prescription in violation of health regulations that protect consumers.

The Panel is persuaded that the facts of this case as reflected in the limited record available in a UDRP proceeding support a finding that the Respondent's registration and use of the disputed domain name was in bad faith.

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 <lillypharma.shop> be transferred to the Complainant.

/Stefan Naumann/

Stefan Naumann

Sole Panelist

Date: October 16, 2025