

## **ADMINISTRATIVE PANEL DECISION**

Eli Lilly and Company v. Andre Jorge Jose Pires  
Case No. D2025-3415

### **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 Andre Jorge Jose Pires, Brazil.

### **2. The Domain Name and Registrar**

The disputed domain name <mounjarooriginal.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 25, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 27, 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 the same day.

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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Moonchul Chang as the sole panelist in this matter on September 26, 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 multinational pharmaceutical company, with headquarters in Indianapolis, United States. The Complainant has globally marketed an injectable prescription-only pharmaceutical product for the treatment of diabetes under the mark MOUNJARO.

The Complainant owns the trademarks MOUNJARO, which were registered in numerous jurisdictions including as follows:

- United States trademark registration no. 6809369, registered on August 2, 2022;
- Brazilian trademark registration no. 919475787, registered on November 24, 2020; and
- European Union trademark registration no. 018209187, registered on September 8, 2020.

The Complainant also owns the domain name <mounjaro.com>, registered on October 21, 2019, which redirects to a website at “www.mounjaro.lilly.com” that advertises and provides information regarding its MOUNJARO product.

The disputed domain name was registered on April 9, 2025. The disputed domain name has resolved to a website indicating “Comprár Mounjaro original” or “Buy original Mounjaro” displaying the Complainant’s color logo and copyright-protected images.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that:

- (a) the disputed domain name is confusingly similar to the Complainant’s trademark MOUNJARO and the addition of the word “original” is not sufficient to distinguish the disputed domain name from the mark;
- (b) the Respondent has no rights or legitimate interests in the disputed domain names. There is no evidence that the Respondent is commonly known by the disputed domain name. In addition, the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods and services nor making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent has used it to direct Internet traffic to a website that sells counterfeit or gray market versions of the Complainant’s product without a prescription; and
- (c) the disputed domain name was registered and has been used in bad faith. It is clear that the Respondent was aware of the rights the Complainant has in the trademark MOUNJARO at the time of the registration of the disputed domain name. The Respondent has used the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s trademark and for the purpose of disrupting the Complainant’s business and targeting the Complainant’s trademark.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark or service mark; (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 disputed domain name consists of the Complainant's MOUNJARO trademark in its entirety, with the addition of the descriptive term "original". The Panel finds that the addition of the descriptive term "original" does not prevent a finding of confusing similarity between the respective disputed domain name and the mark for the purposes of the Policy. ([WIPO Overview 3.0](#), section 1.8). In addition, the generic Top-Level Domain ("gTLD") ".shop" is disregarded under the first element test. ([WIPO Overview 3.0](#), section 1.11.1). Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

Therefore, 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.

Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production of evidence 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).

Firstly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. Although the Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO mark, the Respondent registered and has used the disputed domain name which includes the Complainant's trademark.

Secondly, the Complainant contends that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or fair use of the disputed domain name. The Panel considers that the disputed domain name, comprising the Complainant's trademark plus the additional term "original", cannot constitute fair use. ([WIPO Overview 3.0](#), section 2.5.1). The Respondent has used

the disputed domain name to operate a website purporting to offer the Complainant's MOUNJARO product for sale without a prescription, and also to offer such products via WhatsApp. This indicates that the Respondent has used the website to offer counterfeit or gray market products purporting to be the Complainant's prescription-only products. ([WIPO Overview 3.0](#), section 2.13.1). The Panel finds that the Respondent does not use it in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name under these circumstances. ([WIPO Overview 3.0](#), section 2.4).

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name.

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.

Therefore, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name has "been registered and is being used in bad faith". Thus, for the Complainant to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven, otherwise the Complaint fails. In addition, 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).

Firstly, having noted the Complainant's MOUNJARO product is well-known and the disputed domain name includes the Complainant's trademark MOUNJARO, it is highly likely that the Respondent was aware of the Complainant's trademark and its products and targeted them at the time of registration of the disputed domain name. Further, the content of the website associated with the disputed domain name displays the Complainant's color logo and copyright-protected images. Thus, the Panel considers that the Respondent deliberately chose the disputed domain name and registered it in bad faith.

Secondly, as earlier mentioned, the disputed domain name has resolved to a website purportedly offering counterfeit or gray market versions of the Complainant's prescription-only products. In this circumstance the Panel considers that the Respondent has used the disputed domain name, primarily for the purpose of obtaining the commercial benefits from the confusion of Internet users who visited the site by mistake as per paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity, such as the claimed sale of counterfeit goods or illegal pharmaceuticals, or impersonation/passing off, constitutes bad faith. ([WIPO Overview 3.0](#), section 3.4).

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

Accordingly, the Panel concludes that the Complainant has satisfied 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 <mounjarooriginal.shop> be transferred to the Complainant

*/Moonchul Chang/*

**Moonchul Chang**

Sole Panelist

Date: October 9, 2025