

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Aleksandr vasilev
Case No. D2025-3504

1. The Parties

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

The Respondent is Aleksandr vasilev, Argentina.

2. The Domain Name and Registrar

The disputed domain name <mounjaro-ozempic.info> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 28, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 3, 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 September 3, 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 September 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 26, 2025.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on October 1, 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, a corporation organized under the laws of the State of Indiana, is a major manufacturer of pharmaceutical products, including inter alia an injectable product for the treatment of type 2 diabetes sold under the mark MOUNJARO in a limited number of countries around the world as a prescription-only pharmaceutical product, starting with a launch in the United States of America in June 2022. This product generated sales worth nearly 280 million United States dollars in 2022, more than 5.16 billion United States dollars in 2023, more than 11.5 billion United States dollars in 2024 and more than 9 billion United States dollars in the second quarter of 2025 alone.

The Complainant owns a global portfolio of trademarks containing the term MOUNJARO, including inter alia the European Union trademark MOUNJARO, registered on September 8, 2020, under Registration No. 018209187 and the United States trademark MOUNJARO, registered on August 2, 2022, under Registration No. 6809369 (together hereinafter referred to as “the Mark”).

The Complainant is the registrant of the domain name <mounjaro.com>, registered on October 21, 2019, which redirects to its <mounjaro.lilly.com> website providing information regarding the MOUNJARO product.

The disputed domain name <mounjaro-ozempic.info> was registered on March 30, 2025.

The Complainant has submitted evidence that the disputed domain name previously resolved to a website offering for sale gray market or counterfeit versions of the MOUNJARO product in Russian Federation, without a prescription. At the time of this Decision, the disputed domain name does not resolve to any active website.

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:

- (i) the disputed domain name reproduces the Mark, in which the Complainant has rights, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark, which remains recognizable in the disputed domain name;
- (ii) it never authorized the Respondent to use the Mark in any manner and it never had any affiliation with the Respondent, who has no rights or legitimate interests in respect of the disputed domain name;
- (iii) the Respondent has registered and is using the disputed domain name in bad faith; in particular, the Respondent had knowledge of the Mark when registering the disputed domain name, and by fraudulently creating confusion with the Mark, the Respondent is using the disputed domain name in 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. Procedural Aspects - Failure to Respond

Under the Rules, paragraphs 5(f) and 14(a), the effect of a failure to submit a formal response by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint.

Under paragraph 4(a) of the Policy, it is the Complainant's burden to establish that all three of the required criteria for a transfer of the disputed domain name have been met, even in the absence of a formal response.

Under paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent's failure to file a formal response as it considers appropriate under the circumstances.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant.

In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant's arguments that the Respondent has acted in bad faith.

6.2. Three Elements under Paragraph 4(a) of the Policy

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 Panel notes that, as aforesaid, the Respondent did not rebut these assertions and finds that despite the addition of the element "-ozempic" after the Mark, the Mark is recognizable within the disputed domain name.

Although the addition of such element, which is the registered trademark of a third-party competitive product, may bear on the assessment of the second and third elements, the Panel finds that it 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 1.12.

Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Regarding the generic Top-Level-Domain ("gTLD") ".info" in the disputed domain name, it is well established that a gTLD does not generally affect the assessment for the purpose of determining identity or confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

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.

Moreover, prior UDRP panels have held that the use of a domain name for illegal activity, such as sale of counterfeit or illegal pharmaceuticals, can never confer rights or legitimate interests on a respondent; see [WIPO Overview 3.0](#), section 2.13.1.

The Complainant has provided evidence showing that the disputed domain name resolved to a website offering for sale gray market or counterfeit versions of the MOUNJARO product, without a prescription, in a country, Russian Federation, where the Complainant is not distributing this prescription-only product.

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 finds that the Respondent’s decision to register the disputed domain name, confusingly similar to the Mark, reflects both the Respondent’s specific targeting of the Mark (which several prior UDRP panels have recognized as being well-known – see for instance *Eli Lilly and Company v. Shoaib Manzoor*, *XMart Host*, *Zain Ali and Rauf Bhatti*, WIPO Case No. [D2023-3674](#), *Eli Lilly and Company v. Janni Louche*, WIPO Case No. [D2023-3787](#) and *Eli Lilly and Company v. William Perna*, WIPO Case No. [D2025-2659](#)) and its clear intent to capitalize on the Complainant’s rights, demonstrated by the Respondent’s attempt to attract Internet users, for commercial gain, by using the disputed domain name to resolve to a website offering for sale gray market or counterfeit versions of the MOUNJARO product, without a prescription. Such conduct falls squarely into bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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

Furthermore, the Respondent has been involved as recently as last year in at least three trademark-abusive domain name registrations, all involving the Mark (see *Eli Lilly and Company v. Aleksandr vasilev*, WIPO Case No. [D2024-0646](#); *Eli Lilly and Company v. Aleksandr vasilev*, WIPO Case No. [D2024-0375](#) and *Eli Lilly and Company v. Aleksandr vasilev*, WIPO Case No. [DIO2024-0025](#)).

In the view of the Panel, such behavior demonstrates a pattern of conduct by the Respondent of taking advantage of the Mark without any right to do so and is indicative of the Respondent's bad faith.

Previous panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration, see [WIPO Overview 3.0](#), section 3.1.2. In the light of this pattern of bad faith conduct, the Panel considers that the Respondent is a confirmed obstinate cybersquatter.

The current non-use of the disputed domain name does not change the Panel's finding of the Respondent's bad faith in this case.

Finally, some UDRP panels have held that in certain circumstances, registrants of domain names have a duty to abstain from registering and using a domain name, which is either identical or confusingly similar to a prior trademark held by others and which would infringe upon or otherwise violate the rights of a third party. See Policy, paragraph 4(b); *Nike, Inc. v. B. B. de Boer*, WIPO Case No. [D2000-1397](#); *Nuplex Industries Limited v. Nuplex*, WIPO Case No. [D2007-0078](#); *Mobile Communication Service Inc. v. WebReg, RN*, WIPO Case No. [D2005-1304](#); *BOUYGUES v. Chengzhang, Lu Ciagao*, WIPO Case No. [D2007-1325](#); *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#); and *mVisible Technologies, Inc. v. Navigation Catalyst Systems, Inc.*, WIPO Case No. [D2007-1141](#). Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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-ozempic.info> be transferred to the Complainant.

The transfer of the disputed domain name shall be ordered without prejudice to any rights of the third party in the disputed domain name.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Sole Panelist

Date: October 7, 2025