

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Aion Pay
Case No. D2025-3550

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 Aion Pay, Brazil.

2. The Domain Name and Registrar

The disputed domain name <mounjaroprocaps.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2025. On September 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 4, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 4, 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 4, 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 6, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on October 14, 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 manufacturer of pharmaceutical products, including inter alia an injectable product for the treatment of type 2 diabetes sold under the trademark MOUNJARO in various countries around the world, starting with a launch in the United States in June 2022. Although MOUNJARO is not a weight loss drug, it triggers significant weight loss for patients. This product generated sales worth nearly USD 280 million in 2022, more than USD 5.16 billion in 2023, more than USD 11.5 billion in 2024 and more than USD 9 billion in the second quarter of 2025. The MOUNJARO brand product has been referred to as a “blockbuster” success and has received substantial media coverage worldwide.

The Complainant owns a large portfolio of trademark registrations covering the term MOUNJARO (hereafter “the MOUNJARO Trademark” or “the Trademark”), including inter alia:

- the European Union trademark registration No. 018209187 for MOUNJARO (word mark), registered on September 8, 2020,
- the United States trademark registration No. 6809369 for MOUNJARO (word mark), registered on August 2, 2022, and
- the Brazilian trademark registration No. 919475787 for MOUNJARO (word mark), registered on November 24, 2020.

The Complainant owns and operates the domain name <mounjaro.com> registered on October 21, 2019, which redirects to its website providing information regarding the MOUNJARO product.

The disputed domain name was registered on March 20, 2025. It resolves to an online retail store (in Portuguese and directed to Brazilian consumers) selling weight loss supplements named “MOUNJAPRO” and labeled with a logo that is very similar to the Complainant’s “MOUNJARO” logo. The website under the disputed domain name uses the same purple color as the Complainant’s official website. There is no clear identification of the company operating the website (it displays the name “MAHILE” on the weight loss supplement packaging and in the website footer but identifies itself as “Mounjaro Pro Caps” in the website’s Terms of Use and Privacy Policy, with no corporate address; the website only displays a phone number in Brazil and an email address in the “.br” country-code Top-Level Domain (“TLD”)).

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.

First, the Complainant contends that the disputed domain name is confusingly similar to the MOUNJARO Trademark, which is an invented word that is inherently distinctive and widely recognized to designate the Complainant’s pharmaceutical product. The disputed domain name consists of the MOUNJARO Trademark with the mere addition of the descriptive terms “pro” and “caps”. The term “pro” is a shortened form of the word “professional” which conveys that a pharmaceutical product is high quality or professional grade. The term “caps” is descriptive of or generic for a pharmaceutical delivery format, “capsules.” As the disputed domain name reproduces the Complainant’s Trademark in its entirety with the mere addition of descriptive terms, it is confusingly similar to the Complainant’s MOUNJARO Trademark. Further, the Complainant

asserts that the generic TLD (“gTLD”) “.com”, may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

Second, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO Trademark. There is no evidence that the Respondent is commonly known by the disputed domain name. 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 is using the disputed domain name for operating a website selling food supplements for weight loss bearing a logo and a trademark which are highly similar to the Complainant’s Trademark and logo. The website under the disputed domain name also widely uses the same purple color as the Complainant and it fails to disclose its relationship (or lack thereof) with the Complainant as well as to identify the company operating the website. The lack of any such statement or disclaimer, together with use of the Complainant’s MOUNJARO Trademark in the disputed domain name and on the website, with a logo similar to the Complainant’s logo and the same purple color, lead Internet users to falsely believe that the Respondent’s website is linked to, or approved or endorsed by, the Complainant.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant contends that it has extensively marketed its MOUNJARO brand product around the world, and that there can be no doubt that the Respondent registered the disputed domain name with knowledge of the Complainant’s Trademark, particularly considering that the Respondent is selling infringing goods under the disputed domain name comprising the Complainant’s MOUNJARO Trademark with the mere addition of descriptive or generic terms “pro” and “caps” and is concealing its identity. The content of the website, which includes use of the MOUNJARO Trademark and the use of the color purple as used on the Complainant’s website at the domain name <mounjaro.lilly.com>, as well as a very similar logo, misleads users into believing that there is an association between the Complainant and the website, and serves as further evidence of an intentional attempt to attract Internet users to the disputed domain name for commercial gain in bad faith by creating a likelihood of confusion with the Trademark. Lastly, the Complainant explains that the Respondent’s use of the Complainant’s Trademark in the disputed domain name is potentially harmful to the health of unsuspecting consumers who may purchase products advertised through the Respondent’s website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective products approved by health authorities around the world.

B. Respondent

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

6. Discussion and Findings

Under the Rules, paragraphs 5(f) and 14(a), the effect of a failure to submit a 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 response.

Under paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent’s failure to file a 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.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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, with the addition of the abbreviations "pro" and "caps". Despite these additions, the MOUNJARO Trademark is recognizable within the disputed domain name. Although the addition of other elements, here the abbreviations "pro" and "caps", may bear on assessment of the second and third elements, the Panel finds the addition of such elements 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.

Regarding the gTLD ".com", it is well established that a gTLD may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

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. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. The Complainant has asserted, without being contradicted by the Respondent, that the Respondent is not a licensee of the Complainant, nor affiliated with the Complainant in any way, nor authorized in any way to register and use the disputed domain name.

The Panel notes that the disputed domain name reproduces the MOUNJARO Trademark in its entirety with the mere addition of the suffix “pro” (abbreviation of “professional” which, in relation to food supplement products as those offered for sale by the Respondent, conveys that the products are of high quality or professional grade) and “caps” (abbreviation of “capsules”, which describes the format of the products offered for sale on the website under the disputed domain name). By reproducing the Complainant’s MOUNJARO Trademark (which several prior URDP panels have recognized as being well known – see for instance *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](#)) with descriptive terms referring to the quality and format of products offered for sale on the website – which are similar to the products offered by the Complainant itself (“pro” quality and “caps” for capsules), the disputed domain name carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant.

This is the more so that (a) the products offered for sale on the website are food supplements for weight loss, which is one of the main effects of the original MOUNJARO product sold by the Complainant as presented on its official website; (b) the website under the disputed domain name displays the MOUNJARO Trademark (e.g. in the Terms of Use and Privacy Policy sections), and the products offered for sale are branded with a logo which is highly similar to the Complainant’s logo; (c) the website and the logo also use the same purple color as the Complainant; (d) the Respondent fails to disclose its relationship (or lack thereof) with the Complainant, while the Terms of Use section of the website contains a “Disclaimer” which reads as follows: “[...] Mounjaro Pro Caps does not guarantee or make any representations regarding the accuracy...of the materials on its website” (translated from Portuguese); and (e) the Respondent conceals its identity. It results from the foregoing that by registering the disputed domain name the Respondent intended to induce Internet users to believe that the website under the disputed domain name offers for sale food supplement capsules of high quality which are produced or authorized by the Complainant, which is a well-known pharmaceutical company and thereby convey confidence to Internet users. This affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant’s MOUNJARO Trademark.

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.

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 case, 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 notes that the Respondent has composed the disputed domain name by combining the Complainant’s MOUNJARO well-known Trademark with the descriptive suffixes “pro” (for “professional”) and “caps” (for “capsules”) for resolving to a website which offers for sale capsules claiming to have the same effect as one of the major effects of the Complainant’s official MOUNJARO product, namely weight loss. This demonstrates that the Respondent was well aware of the Complainant’s Trademark and products, which is further evidenced by the fact that the website under the disputed domain name also reproduces a very similar variation of the Complainant’s logo and the color purple used by the Complainant on its official website. Furthermore, a quick search for the

term “MOUNJARO” online would have revealed to the Respondent the existence of the Complainant and its Trademark. This is the more so as the Complainant also owns a Trademark registration in Brazil where the Respondent is allegedly located. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant’s Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

Concerning the use of the disputed domain name, the Panel notes that the Respondent uses the disputed domain name, confusingly similar to the Complainant’s well-known Trademark, to direct to a website offering food supplement capsules claiming the same main effect as the Complainant’s MOUNJARO product (weight loss), in a packaging bearing a very similar logo as the Complainant’s logo for its MOUNJARO products, and using the same purple color as the Complainant. The Panel also notes that the website under the disputed domain name does not contain any information allowing Internet users to identify the company operating the website other than “Moujaro Pro Caps”, nor any disclaimer or explanation as to the (lack of) relationship with the Complainant. It results from the foregoing that the Respondent has registered and uses the disputed domain name in an attempt to capitalize on the Complainant’s Trademark, reputation and goodwill for attracting Internet users, for commercial gain, to the website and mislead them into believing that the website is operated, or at least sponsored or endorsed, by the Complainant, which is a well-known manufacturer of pharmaceutical products. [WIPO Overview 3.0](#), section 3.1.4.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitute 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 <mounjaroprocaps.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: October 28, 2025