

## **ADMINISTRATIVE PANEL DECISION**

Elsevier Limited v. Nebojsa Vujinovic  
Case No. D2025-3806

### **1. The Parties**

The Complainant is Elsevier Limited, Netherlands (Kingdom of the), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States of America ("United States").

The Respondent is Nebojsa Vujinovic, Serbia.

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

The disputed domain name <thelancetnorway.com> is registered with DropCatch.com 1009 LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 18, 2025. On September 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on September 22, 2025, providing the registrant and contact information disclosed by the Registrar, for the Complainant's information.

The Center verified that 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 14, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on October 23, 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 Dutch academic publishing company that specializes in scientific, technical, and medical content. It serves academic institutions, researchers, and professionals worldwide and operates globally through both print and digital platforms.

The Complainant publishes a wide range of internationally recognized journals and information resources, including The Lancet, Cell, the ScienceDirect electronic journal collection, the Trends and Current Opinion series, the Scopus citation database, the SciVal research analytics tool, and the ClinicalKey and ClinicalPath medical solutions. The Complainant, or its predecessors in interest, has used THE LANCET mark since 1823 to identify its medical journal and related products and services.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its mark THE LANCET, including, but not limited to, the following:

- European Union trademark registration No. 001522713, registered on August 20, 2001, for the word mark THE LANCET, in classes 9, 16, 41, and 42;
- United States trademark registration No. 1471389, registered on January 5, 1988, for the word mark THE LANCET, in class 16;
- Norwegian trademark registration No. 141655, registered on June 14, 1990, for the word mark THE LANCET, in class 16.

The Complainant is also the owner of domain names incorporating THE LANCET trademark, including <thelancet.com> (created in 1996).

The aforementioned trademarks and domain name were registered before the disputed domain name, which was registered on September 11, 2024. The disputed domain name resolves to a website featuring medical/health-related blog content.

The Respondent, according to the disclosed Whois information, is located in Serbia.

#### **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 asserts that THE LANCET trademark is highly distinctive in the medical journal space. According to the Complainant, the disputed domain name is confusingly similar to the Complainant's THE LANCET trademark, as it wholly incorporates the mark together with the geographic term "Norway". The Complainant submits that the addition of this geographic term does not prevent a finding of confusing similarity but rather reinforces the confusion.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name since (1) the Respondent is not commonly known by the disputed domain name; (2) the Respondent is not affiliated with, licensed by, or otherwise authorized by the Complainant to use THE LANCET trademark; (3) the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant; (4) the Respondent has not made any bona fide or fair use of the disputed domain name. Instead, the Complainant submits that the disputed domain name has been registered and used for commercial gain, including by directing Internet traffic to the Respondent's website. While the use of a domain name to host a blog is not inherently illegitimate, in this case the title of the blog is identical to a well-known third-party trademark, and the subject matter of the blog mirrors the content of the journal associated with that trademark; and (5) the Respondent's failure to respond to the Complainant's pre-Complaint cease-and-desist letter constitutes tacit acknowledgment of the Respondent's lack of any rights or legitimate interests in the disputed domain name.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. In particular: (1) the disputed domain name is confusingly similar to the well-known THE LANCET trademark, registered by an entity unrelated to the Complainant, thereby creating a presumption of bad faith; (2) given the long-standing reputation of THE LANCET mark, which has been in use for over 200 years, the Respondent must have been aware of its trademark rights when registering the disputed domain name; (3) the disputed domain name impersonates the Complainant, thereby attempting to attract Internet users for commercial gain by creating a likelihood of confusion as to source, affiliation, or endorsement with the Complainant; and (4) illegal activities such as impersonation/passing off are evidence of registration and use of a 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**

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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

Although the addition of other terms, here, “Norway”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use THE LANCET trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with THE LANCET trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The Panel also notes that the disputed domain name reproduces the Complainant’s well-known THE LANCET mark in its entirety, combined with the geographic term “Norway”, and that the associated website features a blog addressing medical/health topics similar to those covered by the Complainant’s journal under the THE LANCET trademark. The Panel considers that the composition of the disputed domain name along with the overall facts and circumstances do not support a claim of fair use. In this case, the Respondent’s use of the disputed domain name does not meet the conditions typically associated with legitimate noncommercial or fair use. [WIPO Overview 3.0](#), sections 2.5.1, and 2.5.2. Specifically, the website’s content and presentation do not clearly indicate any lack of affiliation with the Complainant, and the disputed domain name’s content gives rise to a strong impression of association or endorsement by the Complainant. Moreover, there is no indication that the Respondent’s adoption of the disputed domain name was independent of the Complainant’s activities. Rather, the Respondent appears to have selected the disputed domain name to benefit from the goodwill and reputation of THE LANCET mark by attracting Internet users seeking the Complainant’s medical content.

Previous panels have found that legitimate fair use generally requires that a respondent’s website content not be misleading as to source or sponsorship and not serve as a pretext for commercial gain. Even if the website related to the disputed domain name purports to operate as an informational medical/health blog, the reproduction of THE LANCET trademark and the similarity of subject matters create a misleading association

with the Complainant and its well-known journal which also provides medical/health information.  
[WIPO Overview 3.0](#), section 2.5.3.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any 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 concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant's THE LANCET trademarks predate the Respondent's registration of the disputed domain name. The Complainant has made longstanding and continuous use of THE LANCET trademark for nearly two centuries in connection with its world-renowned medical publications. The disputed domain name incorporates the Complainant's trademark with the geographical term "Norway", which suggests that it resolves to an official website directed to Norwegian consumers. The corresponding website displays content related to medical/health topics and makes unauthorized use of the Complainant's THE LANCET trademark, thereby suggesting affiliation or endorsement by the Complainant. Given the longstanding global presence and prominence of the THE LANCET trademark in the field of medical publications, the Panel finds that the Respondent knew or should have known of the Complainant's mark when at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2. Noting the disputed domain name incorporates the Complainant's THE LANCET trademark together with the term "Norway", the Panel finds that the disputed domain name was likely chosen to create an impression of affiliation with the Complainant. In the Panel's view, the Respondent has intentionally sought to attract Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of 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 <thelancetnorway.com> be transferred to the Complainant.

*/Alissia Shchichka/*

**Alissia Shchichka**

Sole Panelist

Date: November 6, 2025