

ADMINISTRATIVE PANEL DECISION

A. Menarini Industrie Farmaceutiche Riunite S.r.l. v. tian tao
Case No. D2025-4356

1. The Parties

The Complainant is A. Menarini Industrie Farmaceutiche Riunite S.r.l., Italy, represented by Società Italiana Brevetti S.p.A., Italy.

The Respondent is tian tao, China.

2. The Domain Name and Registrar

The disputed domain name <glucofix-shop.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 23, 2025. On October 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 24, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 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 amended Complaint on November 3, 2025.

The Center verified that the Complaint together with the amended 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 November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Martin Michaus Romero as the sole panelist in this matter on December 10, 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 states that:

1. It is an Italian pharmaceutical company, having its headquarters in Florence, Tuscany, Italy. It develops pharmacological solutions for cardiovascular diseases, oncology, pain/inflammation, asthma and anti-infectives. In 2020, the company had 17,650 employees worldwide;
2. The origins of the company date back to the previous century, to 1886, when Archimede Menarini opened, in the center of Naples, the "Farmacia Internazionale";
3. Its group is present in 140 countries around the world. Its companies span from Europe to Asia, to Africa and the Middle East, to Central America and to the United States of America ("US"), where with the acquisition of Stemline Therapeutics, a NASDAQ-listed biopharmaceutical company, the company marked its entry into the US oncology market;
4. Every year the group produces almost 600 million packs of drugs at its 18 manufacturing sites including a biotech plant for the manufacturing of monoclonal antibodies that also serves several external clients. The drugs are distributed across 6 continents for the treatment of pathologies in cardiology, pneumology, inflammation and gastroenterology;
5. The group has also invested diagnostics to develop instruments with high speed and precision for diagnoses in various fields such as clinical chemistry, diabetes, immunology, hematology, histology, and point-of-care. In addition, the Complainant is developing advanced technologies for the analysis of rare tumor cells with single cell precision.

The Complainant is the owner of several trademark registrations for GLUCOFIX, including United Kingdom Trademark Registration UK00905147285 (figurative), registered on July 26, 2007, in class 10; and European Union Trademark Registration 005147285, registered on July 26, 2007, in class 10.

The disputed domain name was registered on June 24, 2025. It resolves to a website on which references to dietary supplements are shown and the Complainant's mark is displayed. The website also displays the Complainant's contact information.

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.

The Complainant contends that:

- a) The disputed domain name is confusingly similar to its trademark.
- b) The Complainant has neither authorized, nor somehow given its consent to the Respondent to register and/or use the disputed domain name. The Respondent has no rights or legitimate interests in the disputed domain name.

c) The disputed domain name resolves to a website in which clear references to the Complainant's GLUCOFIX product are shown. The Respondent registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in 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 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, " -shop" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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. 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.

Panels have held that the use of a domain name for illegitimate activities, such as in this case impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Panels have held that the use of a domain name for illegitimate activities, such as 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 name constitutes bad faith under the Policy.

In the present case, the Panel notes that:

- a) the Respondent must have been aware of the existence of the Complainant and its activities;
- b) the disputed domain name is confusingly similar to the GLUCOFIX trademark;
- c) the Complainant's GLUCOFIX trademark predates the registration of the disputed domain name; and
- d) the Respondent intentionally tries to misrepresent itself as the Complainant by using the Complainant's contact information on the website at the disputed domain name and the Complainant's trademark in the disputed domain itself and on the associated website.

The Respondent intentionally attempted to attract, for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation or endorsement of its website.

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 <glucofix-shop.com> be transferred to the Complainant.

/Martin Michaus Romero/

Martin Michaus Romero

Sole Panelist

Date: December 23, 2025