

ADMINISTRATIVE PANEL DECISION

Incyte Corporation v. na na
Case No. D2025-4707

1. The Parties

Complainant is Incyte Corporation, United States of America ("United States" or "USA"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is na na, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <incytepharma.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 13, 2025. On November 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 14, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on November 19, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 20, 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 Respondent of the Complaint, and the proceedings commenced on November 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on December 17, 2025.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on December 22, 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

Complainant is a global biopharmaceutical company with headquarters in Wilmington, Delaware, USA and Morges, Switzerland. Complainant was formed in 2002 through the merger of Incyte Pharmaceuticals and Incyte Genomics, Inc. Presently, Complainant employs 2,500 individuals, with manufacturing and research and development operations across North America, Europe, and Asia.

Complainant is the owner of trademark registrations for INCYTE across various jurisdictions including:

INCYTE European Union Reg. No. 000205930, registered October 23, 1998, in Classes 1, 5, 9, and 42;
INCYTE United Kingdom Reg. No. UK00900205930, registered October 23, 1998, in Classes 1, 5, 9, and 42;
INCYTE United States Reg. No. 3044806, registered January 17, 2006, in Class 5.

Complainant maintains a presence on the Internet through use of its primary domain name <incyte.com> as well as over 260 registered domain names, all of which include the name "Incyte".

The Disputed Domain Name <incytepharma.com> was registered on August 13, 2025.

The Disputed Domain Name does not resolve to a website but previously it redirected to Complainant's website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant contends that by virtue of its trademark and service mark registrations Complainant is the owner of INCYTE trademark.

In creating the Disputed Domain Name, Respondent has added the generic, descriptive term "pharma" to Complainant's INCYTE trademark, thereby making the Disputed Domain Name confusingly similar to Complainant's trademark. The fact that such term is closely linked and associated with Complainant's brand and trademark only serves to underscore and increase the confusing similarity between the Disputed Domain Name and Complainant's trademark.

Respondent is not sponsored by or affiliated with Complainant in any way. Complainant has not given Respondent permission to use Complainant's trademarks in any manner, including in domain names. Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests. Complainant has not licensed, authorized, or permitted Respondent to register domain names incorporating Complainant's trademark.

There is no evidence, including the Whois record for the Disputed Domain Name, suggests that Respondent is commonly known by the Disputed Domain Name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy.

Respondent's previous use of the Disputed Domain Name does not constitute a bona fide offering of goods or services pursuant to the Policy, paragraph 4(c)(i) or a legitimate noncommercial or fair use pursuant to the Policy, paragraph 4(c)(iii). Prior to Complainant's partners requesting a takedown, Respondent had been using the Disputed Domain Name to redirect to Complainant's own website. Respondent registered the Disputed Domain Name on August 13, 2025, which is significantly after Complainant registered its INCYTE trademark in different jurisdictions, and also significantly after Complainant's first use in commerce of its trademark in 2002. This date is also decades after Complainant's registration of its primary domain name on December 22, 1992.

Complainant and its INCYTE trademark are known internationally, with trademark registrations across numerous countries. Complainant has marketed and sold its goods and services using this trademark since 2002, which is well before Respondent's registration of the Disputed Domain Name on August 13, 2025. By registering a domain name that incorporates Complainant's INCYTE trademark along with the related term "pharma", Respondent has created a domain name that is confusingly similar to Complainant's trademark, as well as its domain name. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business.

Respondent's previous use of the Disputed Domain Name to redirect users to Complainant's own website constitutes a disruption of Complainant's business and qualifies as bad faith registration and use under the Policy, paragraph 4(b)(iii) because the Disputed Domain Name is confusingly similar to Complainant's trademarks and the Disputed Domain Name was being used to offer Complainant's goods without Complainant's authorization or approval.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant has demonstrated it owns registered trademark rights in the INCYTE mark. The addition of the term "pharma" which is short for pharmaceutical does not prevent Complainant's trademark from being recognizable in the Disputed Domain Name. The generic Top-Level Domain ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is confusingly similar to a mark in which Complainant has rights.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.8 and 1.11.1, and *F. Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant has presented a prima facie case that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that Respondent obtained the Disputed Domain Name nearly 20 years after Complainant had begun using its globally-known mark affirms that Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a prima facie case, the burden of production on this element shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting Complainant's prima facie case indicating Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has satisfied its burden of proof in establishing Respondent's bad faith in registration and use of the Disputed Domain Name. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract Internet users, for commercial gain.

Due to the renown of the INCYTE mark in connection with the pharmaceutical industry, it is inconceivable that Respondent registered the Disputed Domain Name without knowledge of Complainant. The Disputed Domain Name was used for redirecting to the website operated by Complainant but Complainant has established that Respondent's use is not authorized, nor is affiliated with Complainant in any way. The facts establish a deliberate effort by Respondent to cause confusion with Complainant for commercial gain. Such redirection of the Disputed Domain Name to Complainant's website is sufficient to establish Respondent's bad faith (see section 3.1.4 of [WIPO Overview 3.0](#)). Under these circumstances, the Panel finds no plausible good faith reason for Respondent's conduct and concludes that the Disputed Domain Name was registered and used in bad faith. The later passive holding of the Disputed Domain Name does not prevent a finding of bad faith.

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 <incytepharma.com> be transferred to Complainant

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: December 29, 2025