

## **ADMINISTRATIVE PANEL DECISION**

A. Menarini Industrie Farmaceutiche Riunite S.r.l. v. Robert Strander  
Case No. D2025-4846

### **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 Robert Strander, Germany.

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

The disputed domain name <menarini.group> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 24, 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 27, 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 December 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2025.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on December 29, 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 an Italian pharmaceutical company headquartered in Florence, Italy, its origins date back to 1886. The Complainant develops treatments for cardiovascular diseases, oncology, pain, inflammation, asthma, and infections. The Complainant's group has established a global presence through its operations in 140 countries and a workforce of more than 17,000 employees and 18 manufacturing sites including a biotech plant for the manufacturing of monoclonal antibodies that also serves external clients. The Complainant's drugs are distributed across six continents for the treatment of pathologies in cardiology, pneumology, inflammation and gastroenterology. The Complainant has also invested in diagnostics to develop instruments with high speed and precision for diagnoses in various fields such as clinical chemistry, diabetes, immunology, haematology, 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's MENARINI trademark is protected in different jurisdictions based on a series of trademark registrations, including:

- International Trademark Registration No. 531991 for MENARINI, registered on December 13, 1988, for goods in International Class 5; and
- European Union Trade Mark Registration No. 008229015 for MENARINI, registered on May 31, 2010, for goods in International Class 5.

The Complainant operates the official website under the domain name <[menarini.com](http://menarini.com)>.

The disputed domain name was created on August 25, 2025 and redirects users to the Complainant's website "[www.menarini.com/en-us/](http://www.menarini.com/en-us/)".

#### **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 the disputed domain name fully incorporates the MENARINI trademark and is therefore identical to the Complainant's trademark.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized the use of the MENARINI trademark, and the Respondent holds no related trademark rights in MENARINI.

The Complainant asserts that the disputed domain name was registered and is used in bad faith, as it reproduces the well-known MENARINI trademark without rights or the Complainant's authorization. The Complainant's trademarks were used and registered long before the registration of the disputed domain name and the Respondent could not have been unaware of the MENARINI trademark at the time of the registration of the disputed domain name, given the reputation of the Complainant and the fact that the disputed domain name wholly incorporates the MENARINI trademark.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- 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 respect of the disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

### **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 holds valid national, regional, and international registrations of the MENARINI trademark.

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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel disregards the generic Top-Level Domain (“gTLD”), “.group”, featured in the disputed domain name under the first element as it is the standard registration requirement. [WIPO Overview 3.0](#), section 1.11. Still, the ordinary meaning ascribed to the gTLD “.group” will however be relevant to the Panel's assessment of the second and third elements. [WIPO Overview 3.0](#), section 1.11.2.

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.

The Respondent may establish a right or legitimate interest in a domain name by demonstrating, in accordance with paragraph 4(c) of the Policy, any of the following:

- i. before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- ii. the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or
- iii. the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The disputed domain name incorporates the MENARINI trademark, and together with the ordinary meaning ascribed to the gTLD ".group" the combination appears as the name of the Complainant's group of companies. The disputed domain name redirects to the Complainants' official website. As discussed in section 2.5 of the [WIPO Overview 3.0](#), fundamentally, a respondent's use of a domain name is not considered "fair" if it creates a false impression of affiliation with the trademark owner, and the correlation between the domain name and the complainant's mark is central to this determination; UDRP panels generally find that domain names identical to a complainant's trademark carry a high risk of implied affiliation.

Here, the composition of the disputed domain name, together with the fact that it redirects to the Complainant's official website affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website. The above considerations lead the Panel to the conclusion that the Respondent knew of the Complainant and targeted it, by registering the disputed domain name identical to the MENARINI trademark and redirecting it to the Complainant's official website.

Accordingly, the Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. See paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. See paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. See paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4; and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The Complainant also demonstrated that the Respondent has no registered trademark rights in MENARINI.

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 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.

As discussed in section 3.1 of the [WIPO Overview 3.0](#), given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant's trademark would also satisfy the complainant's burden. The disputed domain name is identical to the MENARINI trademark and redirects to the Complainant's official website – a combination that supports a finding that the Respondent has registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark, which is bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)).

The Respondent does not provide any plausible explanation for the registration and use of the disputed domain name. As submitted by the Complainant, the combination of factors present in this case shows that the Respondent is well aware of the Complainant and its MENARINI trademark, and more likely than not attempts to impersonate the Complainant and induce Internet users into believing that the disputed domain name is operated by the Complainant, and thus takes advantage of the reputation and well-known character of the Complainant's trademark for commercial gain.

For these reasons, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <menarini.group> be transferred to the Complainant.

*/Kateryna Oliinyk/*

**Kateryna Oliinyk**

Sole Panelist

Date: January 14, 2026