

ADMINISTRATIVE PANEL DECISION

ZAMBON S.p.A. v. affiliate sagor
Case No. D2025-5430

1. The Parties

The Complainant is ZAMBON S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is affiliate sagor, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <fluimucil.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 30, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 30, 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 the Complainant on January 5, 2026, 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 January 8, 2026.

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 January 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2026.

The Center appointed Petra Pecar as the sole panelist in this matter on February 19, 2026. 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, Zambon S.p.A., is an Italian pharmaceutical company established in 1906 with its registered office in Bresso, Italy. The Complainant is active in the research, development, production and commercialization of medicinal products, particularly in the therapeutic area of respiratory diseases.

The Complainant is the owner of several trademark registrations worldwide for FLUIMUCIL and variations thereof, used in connection with pharmaceutical in International Class 5, including inter alia the following:

- International Trademark Registration No. 291035 for figurative trademark **FLUIMUCIL**, registered on November 17, 1964, in International Class 5 for pharmaceutical and medicinal preparations, designated among other jurisdictions for the European Union;
- International Trademark Registration No. 490302 for word trademark FLUIMUCIL, registered on January 23, 1985, in International Class 5 for pharmaceutical and medicinal products; and
- International Trademark Registration No. 631379 for word trademark FLUIMUCIL registered on February 3, 1995, in International Class 5 for pharmaceutical and medicinal preparations.

The Complainant is the owner of several domain names incorporating the FLUIMUCIL trademark, including <fluumucil.com>, registered on October 27, 2009, which is used as the official global website, and <fluumucil.it>, registered on October 9, 2014, which is used as the official website for the Italian market.

The disputed domain name <fluumucil.org> was registered on December 1, 2024, and, at the time of filing of the Complaint, resolved to an unauthorized website using the FLUIMUCIL trademark.

Prior to sending the cease-and-desist letter, a web agency acting on behalf of the Complainant contacted the Respondent on December 2, 2024, inquiring about the possible transfer of the disputed domain name. The Respondent asked about the available budget and the Complainant's representative tentatively offered EUR 50 for the transfer. No agreement was reached. Subsequently, the Complainant sent a cease-and-desist letter to the Respondent on January 15, 2025, requesting that the Respondent cease use of and transfer the disputed domain name. The Respondent did not reply to this letter, nor to the reminders sent on February 3 and February 7, 2025.

The Respondent is purportedly located in Bangladesh.

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 is identical to its FLUIMUCIL trademark, as it reproduces the trademark in its entirety without any modification. The addition of the generic Top-Level Domain ("gTLD") ".org" does not affect the assessment of similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized to use the FLUIMUCIL trademark and has not engaged in any bona fide offering of goods or services, nor made any legitimate noncommercial or fair use of the disputed domain name. Instead, the disputed domain name, being identical to the Complainant's trademark, has been used to display unauthorized content in a manner that falsely suggests affiliation with, endorsement by, or authorization from the Complainant, and appears to have been registered for the purpose of obtaining financial gain, including through its potential sale. The Respondent's failure to respond to the cease-and-desist letter further indicates the absence of any rights or legitimate interests.

The Complainant asserts that its FLUIMUCIL trademark significantly predates the registration of the disputed domain name and has been extensively used and promoted internationally, thereby enjoying considerable reputation and distinctiveness. In these circumstances, the Respondent could not credibly have been unaware of the Complainant's FLUIMUCIL trademark rights at the time of the disputed domain name registration.

The Complainant further asserts that the Respondent registered the disputed domain name, which is identical to the FLUIMUCIL trademark, with the intention of exploiting the goodwill associated with that trademark and diverting Internet users for commercial gain. The website to which the disputed domain name resolves features an altered version of the FLUIMUCIL trademark and includes content relating to FLUIMUCIL products, creating a false impression of authorization, endorsement, or affiliation. The absence of any disclaimer, coupled with a copyright notice referring to FLUIMUCIL, reinforces this misleading impression.

The Respondent has used the disputed domain name to attract Internet users by creating the false impression of an official or affiliated FLUIMUCIL website and thereby to capitalize on the Complainant's trademark for commercial gain, including its possible sale.

The DNS configuration of the disputed domain name shows the presence of mail exchange ("MX") records, which indicates that it is capable of being used for email communication and increases the risk of deceptive use. When contacted on December 2, 2024, the Respondent requested that the Complainant indicate its budget for the disputed domain name, thus confirming its intention to obtain financial consideration for its transfer.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant. "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", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of FLUIMUCIL trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the FLUIMUCIL trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

In the present case, the Panel observes that the disputed domain name consists exclusively of the FLUIMUCIL trademark together with the gTLD ".org". The applicable TLD in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity. [WIPO Overview 3.1](#), section 1.11. Therefore, the Panel holds that the combination of the Complainant's FLUIMUCIL trademark together with the applicable gTLD suffix ".org" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's FLUIMUCIL trademark.

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 that 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 3.1](#), 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.

According to the Complainant, the Respondent is not affiliated with or connected to the Complainant in any manner, nor has the Complainant granted the Respondent any license or authorization to use or register domain names incorporating the Complainant's FLUIMUCIL trademark. The Respondent holds no prior rights in the FLUIMUCIL trademark and has failed to respond to the Complaint, thereby providing no information or evidence that could establish any rights or legitimate interests in the disputed domain name. Furthermore, there is no evidence that the Respondent has made any legitimate or bona fide use of the disputed domain name, whether for commercial or noncommercial purposes, as, at the time the Complaint was filed, the disputed domain name resolved to a website impersonating the Complainant and publishing unauthorized information concerning FLUIMUCIL products and other medicines.

The Complainant has thus established a prima facie case that the Respondent lacks rights or legitimate interests, which has not been rebutted. The Respondent is neither a licensee nor otherwise authorized to use the FLUIMUCIL trademark, and there is no indication that it is commonly known by the “Fluimucil” name. The website to which the disputed domain name resolves reproduces the Complainant’s FLUIMUCIL trademark and disseminates unauthorized content without any disclaimer, thereby creating a false impression of affiliation. Such use cannot be regarded as bona fide or as legitimate noncommercial or fair use. The Respondent’s failure to respond to the Complainant’s attempts at clarification further corroborates the absence of any rights or legitimate interests in the disputed domain name.

Panels have held that domain names identical to a complainant’s trademark, as is the case here, carry a high risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1. Panels have also held that the use of a domain name for illegitimate activity, such as impersonation by reproducing the Complainant’s trademark and presenting unauthorized content in a manner that suggests affiliation, can never confer rights or legitimate interests on a respondent. This position is reflected in [WIPO Overview 3.1](#), section 2.13.1.

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.

The evidence on record shows that the FLUIMUCIL trademark was registered more than 60 years prior to the registration of the disputed domain name. The Complainant has demonstrated that the FLUIMUCIL trademark has been used in connection with pharmaceutical products in several countries and that those products have been promoted through official websites, including “www.fluimucil.com” and “www.fluimucil.it”.

Having regard to the length of time for which the FLUIMUCIL trademark has been registered and used, and to its online presence, the Panel finds that the Respondent was more likely than not aware of the Complainant and of the FLUIMUCIL trademark when registering the disputed domain name. The term “Fluimucil” does not appear to correspond to a dictionary word or a commonly used expression. The Respondent has not put forward any explanation for the choice of this specific term. In these circumstances, the Panel considers that the registration of the disputed domain name was not coincidental.

The disputed domain name resolves to a website displaying an altered version of the FLUIMUCIL trademark and publishing articles and images, including content referring to FLUIMUCIL products and medicines. The website does not contain any disclaimer indicating that it is unaffiliated with the Complainant. On the contrary, the copyright notice “Copyright© 2025 All Rights Reserved - Fluimucil” reinforces the impression that the website is operated by, or connected with, the Complainant as the owner of the FLUIMUCIL trademark. The Panel finds that such use is apt to create a likelihood of confusion as to source or affiliation.

The overall presentation of the website, combined with the identity between the disputed domain name and the FLUIMUCIL trademark, indicates that the Respondent sought to take advantage of the association with the Complainant. By using the disputed domain name in this manner, the Respondent has attempted to attract Internet users who are likely seeking information about the Complainant or its products.

In addition, the disputed domain name has been configured with MX records, enabling its use for email communication. Given that the disputed domain name is identical to the FLUIMUCIL trademark, such configuration increases the risk of confusion and potential misuse, as email communications sent from addresses associated with the disputed domain name could be perceived as originating from the Complainant.

Finally, despite having been contacted by the Complainant, the Respondent did not provide any response or explanation for the registration and use of the disputed domain name. In the absence of any explanation from the Respondent, and having regard to all the circumstances of the case, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Panels have held that the use of a domain name for illegitimate activity, including impersonation and passing off, constitutes bad faith. In the present case, the disputed domain name is identical to the FLUIMUCIL trademark and resolves to a website displaying an altered version of the FLUIMUCIL trademark and referring to FLUIMUCIL products, without any disclaimer of affiliation, while the copyright notice "Copyright© 2025 All Rights Reserved - Fluimucil" reinforces the impression of association with the Complainant. Such use is apt to mislead Internet users as to source or affiliation and therefore constitutes bad faith. [WIPO Overview 3.1](#), 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.

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 <fluimucil.org> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: March 5, 2026