

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. JOSE DA SILVA, WSOSA LAB
Case No. D2026-0827

1. The Parties

The Complainant is Eli Lilly and Company, United States of America ("United States" or "USA"), represented by Faegre Drinker Biddle & Reath LLP, United States.

The Respondent is JOSE DA SILVA, WSOSA LAB, Algeria.

2. The Domain Name and Registrar

The disputed domain name <scan-lilly.com> 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 February 25, 2026. On February 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2026, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 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 February 28, 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 March 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 23, 2026.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on March 25, 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 is a pharmaceutical company founded in 1876 in Indiana, United States. The company has operated in the pharmaceutical industry for over 145 years and has a longstanding focus on quality control and pharmaceutical innovation, including the early adoption of scientific methods in manufacturing.

Over the decades, the Complainant has developed and introduced numerous pharmaceutical products, including a method for mass-producing penicillin in the 1940s; vancomycin in the 1950s; anticancer drugs in the 1960s; Dobutrex in the 1970s; Prozac and Humulin N insulin in the 1980s; Zyprexa in the 1990s; Cialis in 2003; and, more recently, Mounjaro in 2022 and Zepbound in 2023.

The Complainant has used the trademark LILLY in commerce since at least February 1, 1895. The mark was registered with the United States Patent and Trademark Office on February 8, 1983 for use in connection with pharmaceutical products. As of this date, LILLY has obtained 190 registrations of the mark (including foreign language variations) in 115 jurisdictions around the world and 31 registrations of the LILLY logo in 21 jurisdictions, including:

Territory	Reg. No.	Trademark	Registration Date	Class(es)
USA	1318867		February 12, 1985	5
USA	5141667	LILLY	February 14, 2017	36
USA	5525597	LILLY	July 24, 2018	44

The Complainant maintains an Internet presence through the domain name <lilly.com>, registered on May 10, 1991, which is used to provide information about the company and its pharmaceutical products. The Complainant also operates the subdomain name <scan.lilly.com>, which provides a tool allowing patients to verify the authenticity of certain Complainant's pharmaceutical products.

The disputed domain name <scan-lilly.com> was registered on October 31, 2025, decades after the Complainant had established rights in the LILLY mark. It resolves to a webpage prominently displaying the Complainant's logo and offering an authentication tool, prompting users to enter bar codes to verify the authenticity of the Complainant's medicines, mimicking the Complainant's page available at the subdomain name <scan.lilly.com>.

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 the following:

I. Identical or confusingly similar

That the disputed domain name is confusingly similar to the LILLY trademark because it incorporates said mark in its entirety with the addition of the descriptive term “scan”, a hyphen, and the generic Top-Level Domain (“gTLD”) “.com”, which is disregarded under Policy paragraph 4(a)(i).

That the term “scan” is descriptive and directly relates to the Complainant’s legitimate authentication service offered at the domain name <scan.lilly.com> which the disputed domain imitates.

That prior UDRP panels consistently hold that adding a descriptive term or a hyphen does not prevent the finding of confusing similarity, especially where the domain name reproduces a well-known mark. That the use of a hyphen in place of a period constitutes classic typosquatting, making the domain name virtually identical and likely to confuse Internet users into believing it is affiliated with or operated by the Complainant.

II. Rights or Legitimate Interests

That the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

That the Respondent is not commonly known by the domain name, has not been authorized to use the LILLY trademark, and is not making any bona fide offering of goods or services or legitimate noncommercial or fair use of the domain name.

That the Respondent registered the disputed domain name using a privacy-shielding service and uses it to operate a website that closely imitates the Complainant’s official pharmaceutical authentication tool available at the domain name <scan.lilly.com>.

That the Respondent’s website impersonates the Complainant without disclosing any lack of affiliation, which cannot give rise to rights or legitimate interests under the UDRP.

That the Respondent’s conduct fails to meet the criteria of a bona fide offering as articulated in the *Oki Data* test. The Respondent neither offers the Complainant’s genuine authentication services nor limits its use to legitimate trademarked services. Rather, the website presents a fraudulent replica of the Complainant’s authentication tool, prompting users to enter codes or serial numbers to falsely “verify” the authenticity of Mounjaro and Zepbound products. This conduct suggests involvement in the sale or promotion of counterfeit or grey-market pharmaceuticals and has been consistently held by prior panels not to constitute a bona fide offering or legitimate fair use.

That the Respondent fails to accurately and prominently disclose its lack of any relationship with the Complainant. That the prominent use of the LILLY trademark and logo, together with links to the Complainant’s official Terms of Use and Privacy Policy, reinforces the false impression that the website is operated or authorized by the Complainant. Such impersonation further negates any claim to legitimacy.

That the Respondent had knowledge of the LILLY mark, given its extensive and longstanding trademark registrations worldwide. Registering a confusingly similar domain name with knowledge of the Complainant’s rights demonstrates an intent to trade on the Complainant’s goodwill rather than any legitimate interest.

III. Registered and Used in Bad Faith

That the Respondent registered and uses the disputed domain name in bad faith. That given the longstanding and widespread reputation of the LILLY mark, used continuously since at least 1895, it is inconceivable that the Respondent was unaware of the Complainant’s trademark at the time of registration. That the Respondent deliberately registered a domain name confusingly similar to the LILLY mark to exploit

its goodwill and attract Internet users for commercial gain, as contemplated by Policy paragraph 4(b)(iv).

That the Respondent used the disputed domain name to operate a website that impersonates the Complainant by displaying the LILLY logo and linking to the Complainant's genuine legal and privacy pages, thereby creating a false impression of affiliation. That this conduct demonstrates an intentional effort to mislead users into believing the website is operated or authorized by the Complainant, evidencing bad faith.

That the Respondent's actions constitute opportunistic bad faith, as the domain name wholly incorporates the Complainant's well-known mark without any relationship or authorization. That UDRP panels have consistently found such conduct sufficient to establish bad faith registration and use.

That the Respondent's imitation of the Complainant's pharmaceutical authentication tool poses serious public health risks by misleading consumers into believing counterfeit or grey-market products are authentic prescription medicines. That this potential harm to consumers further aggravates the Respondent's bad faith and reinforces the conclusion that the disputed domain name was registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the complainants must prove in order to successfully request remedies:

- (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 connection with the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this dispute based on the Complainants' undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Groupe Auchan v. Roberto La Palombara*, WIPO Case No. [D2014-0660](#); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3).

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 (see [WIPO Overview 3.1](#), section 1.7).

The Complainant has shown rights in respect of the trademark LILLY, including longstanding registrations in the United States. These registrations are sufficient to establish rights in a trademark for the purposes of paragraph 4(a)(i) of the Policy (see [WIPO Overview 3.1](#), section 1.2.1).

The disputed domain name fully incorporates the Complainant's LILLY trademark, which remains clearly recognizable within the said disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The addition of the term “scan”, together with a hyphen, does not prevent a finding of confusing similarity. Although the addition of the term “scan” 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 3.1](#), section 1.8.

The gTLD “.com” is disregarded for the purpose of the confusing similarity analysis (see [WIPO Overview 3.1](#), section 1.11).

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.

The Panel finds that there is no evidence to assert that the Complainant has authorized, licensed, or otherwise permitted the Respondent to use the LILLY trademark or to register a domain name incorporating it. Furthermore, there is no evidence that the Respondent has been commonly known by the disputed domain name.

As regards the composition of the disputed domain name itself, it is nearly identical to the Complainant’s subdomain name <scan.lilly.com> hosting its official pharmaceutical authentication service.

In addition, the record shows that the disputed domain name has been used to operate a website that closely imitates the Complainant’s official pharmaceutical authentication tool available at its subdomain name <scan.lilly.com>. The website to which the disputed domain name resolves prominently displays the Complainant’s LILLY trademark and logo, as well as, according to the Complainant, links to the Complainant’s official Terms of Use and Privacy Policy, and prompts users to enter product codes to purportedly “verify” authenticity of pharmaceutical products, including Mounjaro and Zepbound. Said website does not disclose the absence of any relationship with, or authorization from the Complainant but rather contains a copyright notice in the name of “Lilly USA, LLC”.

Previously appointed panels have consistently held that the use of a domain name to impersonate a complainant or to pass itself off as an official site of the trademark owner cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use (see [WIPO Overview 3.1](#), section 2.13.1; see also *Deutsche Telekom AG v. Mighty LLC/Domain Admin*, WIPO Case No. [D2005-0027](#)).

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 notes that the Respondent registered the disputed domain name with knowledge of the Complainant and its LILLY trademark. The Complainant's mark is longstanding, widely registered, and well known in the pharmaceutical sector worldwide (see *Eli Lilly and Company v. WhoisGuard Protected*, WIPO Case No. [D2007-0162](#); *Eli Lilly and Company v. URDMC, LLC*, WIPO Case No. [D2011-0715](#); and *Eli Lilly and Company v. c/o SafestWhois (TM) Premium Registration Service /Jeremy Martin Gilstrap*, WIPO Case No. [D2015-0313](#)). The composition of the disputed domain name (combining the Complainant's mark with a term directly associated with its official authentication service) strongly indicates that the Respondent deliberately targeted the Complainant.

Prior panels have found that the registration of a domain name that is confusingly similar to a well-known trademark by an entity that has no relationship to the mark may be sufficient evidence to demonstrate opportunistic bad faith (see *Eli Lilly and Company v. Lilly Careers*, WIPO Case No. [D2016-0641](#); and *Eli Lilly and Company v. Danilo Tome Gomes, Flavio Nascimento*, WIPO Case No. [D2024-5333](#)). This is so in the present case.

The evidence further shows that the Respondent has used the disputed domain name to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the website. Such conduct constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy (see *Columbia Insurance Company v Pampered Gourmet*, WIPO Case No. [D2004-0649](#)).

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 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity or illegal activity, such as the operation of copycat sites, passing off, or other types of fraud, 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 <scan-lilly.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: April 8, 2026