ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Jose Vidal
Case No. D2026-0828

1. The Parties

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

The Respondent is Jose Vidal, Brazil, represented by Ribeiro Cavalcante Advocacia, Brazil.

2. The Domain Name and Registrar

The disputed domain name <mounjaroexpress.xyz> is registered with Unstoppable Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 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 26, 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 (Domain Registrant, DomainHive LTD) 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 March 2, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform disputed domain name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform disputed domain name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform disputed 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 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2026. The Response was filed with the Center on March 3, 2026. The Center commenced the panel appointment process on March 27, 2026.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on April 13, 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 following facts are undisputed.

The Complainant is a manufacturer of pharmaceutical products, based in Indiana, United States. The Complainant launched an injectable pharmaceutical product for the treatment of type 2 diabetes under the name MOUNJARO (Tirzepatide) in June 2022. The MOUNJARO brand product has since received substantial media coverage worldwide. The Complainant's 2025 year-end financial report announced the product produced over USD 22 billion worldwide in the 2025 fiscal year.

The Complainant also has an Internet presence, primarily through its website at <mounjaro.com>. The Complainant registered the domain name <mounjaro.com> on October 21, 2019, and uses it to advertise and provide information regarding its MOUNJARO product.

The Complainant owns a large global portfolio of trademark registrations covering the term MOUNJARO ("the MOUNJARO Trademark"), including inter alia:

- United States trademark registration MOUNJARO (word mark), with registration number 6809369 registered on August 2, 2022, for goods in class 5
- Brazilian trademark registration MOUNJARO (word mark) with registration number 919475787 registered on November 24, 2020, for goods in class 5.

The disputed domain name was registered on December 27, 2025.

At the time of this Decision the disputed domain name resolves to an online retail store (in Portuguese and apparently directed to Brazilian consumers) named "MONJAURO EXPRESS", an "authorized compounding pharmacy", selling metabolic treatments. The website offers "the same clinical efficacy with smart cost savings, sterile dispensing, and dedicated pharmaceutical follow-up" and offers a calculator for the 'Cycle Costs', as well as the possibility to speak to a specialist. Company details and contact details from medical professionals are mentioned in the footer of the website.

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:

The disputed domain name is confusingly similar to the MOUNJARO trademark, which is an invented word that is distinctive and widely recognized to designate the Complainant's pharmaceutical product. The disputed domain name consists of the MOUNJARO trademark with the mere addition of the descriptive term "express". The term "express" in the disputed domain name is descriptive or generic because it creates the impression of a fast-tracked home delivery service for the Complainant's MOUNJARO medication. As the disputed domain name reproduces the Complainant's trademark in its entirety with the mere addition of descriptive terms, it is confusingly similar to the Complainant's MOUNJARO trademark.

The Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO trademark. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent is neither using the disputed domain name in connection with a bona fide offering of goods and services nor making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent is using the disputed domain name for operating a website selling metabolic treatments. The website under the disputed domain name also does not disclose its relationship (or lack thereof) with the Complainant as well as to identify the person operating the website. The lack of any such statement or disclaimer, together with use of the Complainant's MOUNJARO trademark in the disputed domain name and on the website, lead Internet users to falsely believe that the Respondent's website is linked to, or approved or endorsed by, the Complainant.

The disputed domain name was registered and is being used in bad faith. The Complainant has extensively marketed its MOUNJARO brand product around the world, and there can be no doubt that the Respondent registered the disputed domain name with knowledge of the Complainant's trademark, particularly considering that the Respondent is selling competing goods under the disputed domain name. The Respondent's use of "Mounjauro Express" and "Mounjauro Farmacêutica Ltda." to designate source misleads users into believing that the website is associated with the Complainant, and serves as evidence of an intentional attempt to attract Internet users to the disputed domain name for commercial gain in bad faith by creating a likelihood of confusion with the MOUNJARO trademark. Further, the Respondent is using the Complainant's trademark to drive Internet traffic to its website, where it is using the disputed domain name to sell competitive products.

The Respondent's use of the Complainant's MONJARO trademark in the disputed domain name is potentially harmful to the health of unsuspecting consumers who may purchase products advertised through the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective products approved by health authorities around the world.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends the following:

The Respondent is a Brazilian citizen, permanently domiciled in Fortaleza, Ceará, Brazil. The Respondent is an individual, not a corporation, business entity, or domain name speculator.

The Complainant owns trademark registrations for the mark MOUNJARO in connection with pharmaceutical preparations. However, the disputed domain name is not identical to the Complainant's trademark. The disputed domain name incorporates the additional, descriptive term "express," which carries a common dictionary meaning suggestive of rapid information delivery or news services. The addition of "express" creates a composite expression that, in context, may convey a meaning distinct from the standalone trademark.

The Respondent had been using, or had made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of informational services. Specifically, the domain name was intended to serve as an informational resource regarding the pharmaceutical product tirzepatide (commercially known as Mounjaro), providing publicly available health information to Portuguese speaking users in Brazil, where access to reliable information about GLP-1 receptor agonist medications remains limited. The term "express" in the domain name referred to the provision of quick, accessible health-related information — not to the express delivery or sale of pharmaceutical products. In the alternative, the Respondent submits that it was 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 at issue. The website associated with the disputed domain name was intended to provide health information and educational content directed at a Brazilian audience in Portuguese.

The Respondent did not register the disputed domain name for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant or to a competitor of the Complainant. The Respondent has not engaged in a pattern of registering domain names incorporating trademarks of third parties in order to prevent the owners of those marks from reflecting their marks in corresponding domain names. The Respondent is not a competitor of the Complainant and did not register the domain name for the purpose of disrupting the Complainant's business. The website did not include commercial offers, pay-per-click advertising, affiliate links, or revenue-generating mechanisms. There was no attempt to create confusion with the Complainant's official channels or to divert commercial traffic. The Respondent is also focused on the Brazilian market.

The Brazilian market for GLP-1 receptor agonist medications presents a unique context in which informational resources regarding these products serve a legitimate public health interest, particularly given the high demand for information about weight management and diabetes treatments among Brazilian consumers.

The use of a ".xyz" generic Top-Level Domain ("gTLD") — rather than a ".com," ".com.br," or other country-code TLD — further supports that the Respondent did not intend to create the impression of an official or authorized channel affiliated with the Complainant. The ".xyz" extension is widely recognized as a generic, non-authoritative TLD commonly used for personal projects and informational websites.

Therefore, the Complainant has failed to adduce sufficient evidence of bad faith registration and use.

The Respondent also notes that any enforcement of a panel decision against the Respondent would necessarily require proceedings in Brazil and that the Brazilian courts have independent jurisdiction over matters involving Brazilian nationals domiciled in Brazilian territory, and that principles of due process and access to justice under Article 5 of the Brazilian Federal Constitution support the Respondent's submission that Brazilian courts constitute the appropriate mutual jurisdiction.

6. Discussion and Findings

6.1 Jurisdiction

The Complainant has agreed to submit, with respect to any challenges that may be made by Respondent to a decision by the Panel to transfer or cancel the domain name that is the subject of this Complaint, to the jurisdiction of the courts at the location of the principal office of the concerned registrar.

The Respondent seems to suggest that the Complainant's submission of an Amendment to the Complaint addressing the Respondent's identity somehow means that (only) the Brazilian courts would have jurisdiction over any challenge involving the disputed domain name.

The Panel does not opine on the potential jurisdiction of national courts generally, but does note that the Amendment to the Complaint retained the exact same mutual jurisdiction clause as above – referring to the courts at the location of the principal office of the concerned registrar; therefore, to the extent the Respondent seeks to argue for the invalidation of the Complainant's mutual jurisdiction selection, the Panel finds this to be misplaced and of no effect.

6.2 Substantive findings

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 a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. Although the addition of other terms here, "express", 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.

Regarding the gTLD ".xyz", it is well established that a gTLD may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

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. As the Panel will explain below, the Respondent has not come forward with sufficient evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. There is not sufficient evidence that the Respondent is commonly known by the disputed domain name, nor is there sufficient evidence of legitimate noncommercial or fair use of the disputed domain name, either.

The Respondent contends that the disputed domain name was intended to serve as an informational resource regarding the pharmaceutical product tirzepatide (commercially known as Mounjaro), providing publicly available health information to Portuguese speaking users in Brazil, where access to reliable information about GLP-1 receptor agonist medications remains limited.

The Panel carefully assessed the contents of the website and finds that the website, despite the Respondent's contentions, is not at all a merely informational website (the word "express" moreover would not be a natural one for a purely informational site). The website discusses three steps on taking back full control on metabolic treatment works, a calculator to estimate the costs, a validation of the prescription and refrigerated shipping. The website also mentions that it is an authorized pharmacy.

In that sense the Respondent's contentions do not at all correspond with what is offered on the website and thus do not support the Respondent's alleged legitimate noncommercial use.

For the same reasons the use made by the Respondent cannot be considered to be fair use. UDRP panels have held that even where a domain name consists of a trademark plus an additional term (at the second- or top-level), that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See WIPO Overview 3.1, section 2.5.

When applying the criteria as outlined in *Oki Data Americas, Inc v. ASD, Inc*, WIPO Case No. D2001-0903 ("Oki Data Criteria"), the Respondent's offering can be bona fide if; (i) respondent must actually be offering the goods or services at issue, (ii) respondent must use the site to sell only the trademarked goods; (iii) the site must accurately disclose the registrant's relationship with the trademark owner; (iv) respondent must not try to corner the market in all domain names. For the offering to be bona fide, the respondent must meet all these requirements.

The Respondent did not meet these requirements, as there, at a minimum, is no disclosure of the lack of relationship between the Respondent and the Complainant. To the contrary, the use by the Respondent of "© 2025 Monjauro Farmacêutica Ltda." seems to attempt to signal a legitimate entity that is affiliated with the Complainant, which the Respondent is not. In addition, the Respondent has not rebutted the Complainant's contentions that the goods offered on the website are not genuine products marketed by the Complainant.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under 6.2.B.

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 Panel notes that the Respondent has confirmed that it was aware of the Complainant's MOUNJARO mark in connection with pharmaceutical preparations. However, the Respondent contends that it was entitled to register and use the disputed domain name for provision of "quick, accessible health-related information" on the pharmaceutical product tirzepatide (commercially known as Mounjaro).

As outlined above, the website is, different from what the Respondent contends, not at all a merely informational and noncommercial website, but a commercial website, which also does not satisfy the Oki Data Criteria. The inaccurate contentions made by the Respondent underpin the bad faith alleged by the Complainant.

It results from the foregoing that the Respondent has registered and uses the disputed domain name in an attempt to capitalize on the Complainant's trademark, reputation and goodwill for attracting Internet users, for commercial gain, to the website and mislead them into believing that the website is operated, or at least sponsored or endorsed, by the Complainant, which is a manufacturer of pharmaceutical products. WIPO Overview 3.0, section 3.1.4.

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 <mounjaroexpress.xyz> be transferred to the Complainant.

/Willem J. H. Leppink/
Willem J. H. Leppink
Sole Panelist
Date: April 27, 2026