

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Nozipho Moloi
Case No. D2026-0829

1. The Parties

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

The Respondent is Nozipho Moloi, South Africa.

2. The Domain Name and Registrar

The disputed domain name <cheapestmounjaro.com> is registered with eNom, LLC (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 (Whois Agent (833072483), Whois Privacy Protection Service, Inc.) 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 the same day.

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 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2026.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on April 3, 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 whose rights related to the MOUNJARO trademark date back to November 5, 2019, when it filed for registration the MOUNJARO mark with the United States Patent and Trademark Office, the mark being registered on August 2, 2022, having the registration No. 6809369, for goods in class 5, pharmaceutical preparations, namely, pharmaceutical preparations for the treatment of diabetes.

On May 13, 2022, the United States Food and Drug Administration ("FDA") announced the approval of the medication Tirzepatide under the brand name MOUNJARO for use in connection with injectable pharmaceutical products for the treatment of type 2 diabetes.

The Complainant launched the Mounjaro pharmaceutical product in June of 2022, and by the end of 2022, the product produced nearly USD 280 million dollars in revenue. Sales of Mounjaro pharmaceutical product continued to increase since its launch, with the Complainant's 2023 year-end financial report announcing revenue of more than USD 5.16 billion dollars in connection with the product during the 2023 fiscal year, and the Complainant's year-end 2024 financial report announcing revenue of more than USD 11.5 billion dollars during the 2024 fiscal year.

The Complainant's 2025 year-end financial report announced the Mounjaro pharmaceutical product produced over USD 22 billion dollars worldwide in the 2025 fiscal year.

The launch of the Mounjaro pharmaceutical product enjoyed of substantial media coverage, as evidenced by the Complainant.

Governing bodies similar to the FDA have approved Mounjaro pharmaceutical product for distribution in various formats in several countries outside the United States, including South Africa.

The Complainant is the owner of numerous MOUNJARO trademark registrations around the world, in addition to the MOUNJARO mark, No. 6809369, mentioned above, among which:

- the United States Registration No. 7068463 for MOUNJARO, registered on May 30, 2023, for services in class 44;
- the European Union Registration No. 018209187 for MOUNJARO, registered on September 8, 2020, for goods in class 5;
- the Indian Registration No. 5328244 for MOUNJARO, registered on February 14, 2022, for goods in class 5.

The Complainant owns the domain name <mounjaro.com>, registered since October 21, 2019, which redirects to the website <mounjaro.lilly.com>, used by the Complainant to advertise and provide information regarding its Mounjaro product.

The disputed domain name <cheapestmounjaro.com> was registered on December 15, 2025, and according to the evidence available in the file, was used in relation to a website that was offering alleged Mounjaro pharmaceutical products at cheaper prices.

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:

(i) the disputed domain name is confusingly similar to the Complainant's MOUNJARO mark, as it incorporates it in its entirety with the addition of the generic term "cheapest" in addition to the generic Top-Level Domain ("gTLD") "<.com">;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that: (1) there is no evidence that the Respondent is commonly known by the disputed domain name; (2) the Respondent is not 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, as the Respondent has registered the disputed domain name with a privacy shielding service, and has used the disputed domain name to direct Internet traffic to a website that sells counterfeit or gray market versions of the Complainant's Mounjaro product, all without disclosing the Respondent's lack of a relationship with the Complainant. Moreover, the Complainant contends that the website associated with the disputed domain name exacerbated the confusion as there was an unauthorized use of the Complainant's official marketing images of its product Mounjaro KwikPen; (3) the Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO mark;

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that, (1) the Complainant's rights over the MOUNJARO mark predate the registration date of the disputed domain name. Moreover, the Complainant contends that it had extensively marketed its MOUNJARO brand product in the United States and in other jurisdictions around the world, receiving substantial media coverage worldwide; (2) the Complainant contends that the content of the website associated with the disputed domain name such as the use of the Complainant's MOUNJARO mark and the offer to "buy cheapest Mounjaro UK" mislead users into believing that there is an association between the Complainant and the website and attempted to attract Internet users to the the disputed domain name for commercial gain by creating a likelihood of confusion with the MOUNJARO mark; (3) the Complainant asserts that the Respondent was using the disputed domain name in relation to a website that offered prescription-only products without any apparent requirement for a prescription; (4) the Complainant claims that the Respondent's use of the Complainant's MOUNJARO mark in the disputed domain name could be potentially harmful to the health of many 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 drugs approved by health authorities around the world; (5) the Respondent has registered the disputed domain name to prevent the Complainant from using its MOUNJARO mark in a corresponding domain name.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to succeed, such must prove, according to paragraph 4(a) of the Policy, that:

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

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. Thus, the Panel will deal with each of the requirements in turn.

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 that the entirety of the MOUNJARO mark is reproduced within the disputed domain name with the addition of the descriptive term "cheapest", which does not prevent a finding that the disputed domain name is confusingly similar to the Complainant's MOUNJARO mark. 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, in this case "cheapest", 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.

In what concerns the addition of the gTLD ".com" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

Based on the available record, the Panel finds that 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.

Thus, based on the available evidence, the Respondent does not appear to be commonly known by the name “mounjaro”, nor “cheapestmounjaro”.

The Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO mark, including in the disputed domain name, and also, between the Respondent and the Complainant there is no relationship, based on the evidence available in this file.

Moreover, based on the evidence filed by the Complainant, the disputed domain name resolved to a website where MOUNJARO pharmaceutical products were offered at alleged cheaper prices, without any authorisation from the Complainant.

Panels have held that the use of a domain name for illegal activity, as in this case the sale of apparently unlicensed pharmaceuticals, and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Furthermore, the composition of the disputed domain name, incorporating the Complainant’s MOUNJARO mark with the addition of the descriptive term “cheapest”, in combination with the content on the website corresponding to the disputed domain name, might lead to confusion for Internet users and as such, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

All the above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

Based on the available record, the Panel finds that 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 Complainant’s rights in the MOUNJARO mark predate the registration date of the disputed domain name.

In light of the above as well as of the distinctive character of the MOUNJARO mark, the Panel finds that it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's MOUNJARO mark, which supports a finding of bad faith registration. [WIPO Overview 3.1](#), section 3.2.2.

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.

The Respondent's incorporation into the disputed domain name of the Complainant's distinctive MOUNJARO mark in its entirety, with the addition of the word "cheapest" (which could be leading to the idea of cheaper Mounjaro pharmaceutical products), the failure of the Respondent to submit a response in this file, as well the fact that, according to the evidence available in this file, the website corresponding to the disputed domain name redirected Internet users to a website where prescription-only Mounjaro pharmaceutical products were offered, (i) without any apparent requirement for a prescription, (ii) without any authorisation from the Complainant, and (iii) without disclosure of the Respondent's lack of a relationship with the Complainant, is clear evidence of bad faith use and registration of a domain name, and all lead to a finding of bad faith registration and use. Moreover, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to the website by creating a likelihood of confusion with the Complainant's MOUNJARO mark as to the source, sponsorship, affiliation, or endorsement of the website.

Panels have held that the use of a domain name for an illegal activity, as in this case the sale of apparently unlicensed pharmaceuticals, and passing off, constitutes bad faith. [WIPO Overview 3.0](#), 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 and 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 <cheapestmounjaro.com> be transferred to the Complainant.

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: April 17, 2026