

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Jaroslav Francisko
Case No. D2026-0845

1. The Parties

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

The Respondent is Jaroslav Francisko, Azerbaijan.

2. The Domain Name and Registrar

The disputed domain name <mounjaro-expert.com> is registered with GoDaddy.com, 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 27, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 2, 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 amended Complaint on March 2, 2026.

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”).

The Respondent sent a first email communication to the Center on March 3, 2026, expressing its willingness to transfer the disputed domain name. On March 3, 2026, the Center sent a possible settlement email to the Parties. On March 6, 2026, the Complainant requested the suspension of the proceedings and the Center suspended the proceedings until April 5, 2026. On March 27, 2026, the Center sent a reminder to the Parties regarding the end of suspension period. The Respondent and Complainant acknowledged receipt of the email respectively on March 28 and 30, 2026. No standard settlement agreement was implemented, and the Center reinstituted the proceedings on April 13, 2026.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Respondent did not submit any formal response. Accordingly, the Center notified the Respondent's default on May 11, 2026.

The Center appointed Igor Alfiorov as the sole panelist in this matter on May 15, 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 Eli Lilly and Company, a global pharmaceutical company organized under the laws of the State of Indiana, United States. The Complainant manufactures and distributes pharmaceutical products worldwide.

The Complainant is the owner of the brand MOUNJARO, an injectable, prescription-only medicine used for the treatment of type 2 diabetes. The medication received approval from the United States Food and Drug Administration ("FDA") in May 2022, and was launched in June 2022. The product has achieved massive global commercial success, with revenues rising from USD 280 million in 2022 to over USD 22 billion worldwide in the 2025 fiscal year.

The Complainant holds numerous registered trademarks for the MOUNJARO mark across 91 countries, including the United States Trademark Registration No. 6,809,369, registered on August 2, 2022 in Class 5.

The Complainant also maintains an active online presence, having registered its primary domain name <mounjaro.com> on October 21, 2019, which redirects to <mounjaro.lilly.com>.

The disputed domain name <mounjaro-expert.com> was registered on July 20, 2025 and previously resolved to a website purportedly offering MOUNJARO branded products. The disputed domain name is currently inactive and does not resolve to any active 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.

First, the Complainant asserts that the disputed domain name is confusingly similar to its distinctive MOUNJARO trademark. The disputed domain name incorporates the mark in its entirety, and the addition of the descriptive term “expert” and the “.com” generic Top-Level Domain (“gTLD”) does not prevent a finding of confusing similarity.

Second, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, has not been licensed or authorized by the Complainant to use the trademark, and is not making any bona fide commercial or legitimate noncommercial use of the disputed domain name.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the Respondent registered the disputed domain name with full knowledge of the Complainant's famous mark to exploit its goodwill. Furthermore, the Complainant asserts that the Respondent's bad faith is demonstrated by his use of a privacy service and the subsequent provision of incomplete and misleading contact information in the Whois records.

B. Respondent

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

However, in an informal email communication sent to the Center on March 3, 2026, the Respondent stated: “The Respondent hereby confirms that he does not object to the transfer of the disputed domain name <mounjaro-expert.com> to the Complainant. The domain name has not been used, and the Respondent has no intention to use it in the future.”

6. Discussion and Findings

A. Consent to Transfer

As a preliminary matter, the Panel notes that the Respondent has explicitly consented on the record to the transfer of the disputed domain name to the Complainant, stating he has no objection to the remedy and has not used the domain name. Under section 4.10 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), where a respondent has consented to the transfer remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent in the interest of procedural efficiency.

However, to ensure a complete and robust record, the Panel deems it appropriate to review the three substantive elements of the Policy.

B. 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 a trademark or service mark for the purposes of the Policy.

The Panel finds that the entirety of the Complainant's mark is reproduced within the disputed domain name. The Panel finds that the addition of the descriptive term “expert” does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

Moreover, the gTLD “.com” is a technical requirement and shall be disregarded under the first element confusing similarity test.

Respectively, the Panel finds the first element of the Policy has been established.

C. 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 (see [WIPO Overview 3.1](#), section 2.1).

The Complainant has established an un rebutted prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with or authorized by the Complainant, is not commonly known by the disputed domain name, and has no trademark rights of his own in the term “mounjaro”.

The Complainant has provided evidence that, at the time of filing, the disputed domain name resolved to an active website offering for sale what purports to be the Complainant’s prescription-only MOUNJARO products and competing weight loss products under the Ukrainian currency (UAH) without requiring a prescription.

The Respondent’s use of the disputed domain name to offer, without proper authorization, prescription-only pharmaceuticals without requiring a prescription and without disclosing the lack of affiliation with the Complainant does not satisfy the *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) test and cannot constitute a bona fide offering of goods or services. In this regard, panels have categorically held that the use of a domain name for illegal activity, such as the sale of unlicensed or unauthorized prescription-only pharmaceuticals, can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.1](#), section 2.13.1).

Furthermore, the Respondent’s explicit communication of March 3, 2026, confirming that he does not object to the transfer and has no intention to use the domain name in the future, serves as an admission that he does not contest the Complainant’s contentions that he lacks any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds the second element of the Policy has been established.

D. 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.

Given the extensive global reputation and distinctive nature of the MOUNJARO mark, the Panel finds it inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant or MOUNJARO pharmaceutical brand. The incorporation of this distinctive and widely recognized trademark in its entirety alongside the descriptive term “expert” demonstrates deliberate targeting of the Complainant’s business. Furthermore, the Panel considers that the Respondent registered and used the disputed domain name to deceive Internet users and attract them to the Respondent’s website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website for commercial gain. This represents a paradigm case of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

In addition, panels have held that the use of a domain name for illegal activity here, claimed as sale of unlicensed or unauthorized prescription-only pharmaceuticals, constitutes bad faith (see [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.

Finally, the Panel notes that the adverse party did not file a formal response or contest any of the Complainant’s claims. Instead, the Respondent explicitly stated in informal correspondence that he does not object to the transfer and has no intention of using the domain name in the future, thereby leaving the Complainant’s serious contentions of bad faith entirely uncontested and un rebutted. This lack of a good-faith explanation, combined with the target-oriented nature of the registration, leads the Panel to conclude that the disputed domain name was registered and is being used in bad faith.

The Panel therefore 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 <mounjaro-expert.com> be transferred to the Complainant.

/Igor Alfiorov/

Igor Alfiorov

Sole Panelist

Date: June 1, 2026