

ADMINISTRATIVE PANEL DECISION

BWE & TME INC d/b/a Millstadt Pharmacy v. Eric Wijaya
Case No. D2026-1538

1. The Parties

The Complainant is BWE & TME INC d/b/a Millstadt Pharmacy, United States of America (“United States”), represented by Lumistry, Inc., United States.

The Respondent is Eric Wijaya, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <millstadtpharmacy.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 April 10, 2026. On April 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 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 April 14, 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 April 15, 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 April 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Respondent sent email communications to the Center on April 20 and 21, 2026.

On April 22, 2026, the Complainant requested suspension of proceedings to explore settlement options. The proceedings were accordingly suspended on April 23, 2026. On May 26, 2026, the Complainant requested the Center to reinstitute the proceedings. The proceedings were reinstated the same day and the due date for Response was recalculated to June 9, 2026.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 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 operates a physical pharmacy store named MILLSTADT PHARMACY, located in Millstadt, Illinois, United States.

The disputed domain name was registered on August 1, 2007.

The disputed domain name has been used to redirect to an online gambling website named "Super 88".

5. Parties' Contentions

A. Complainant

The Complainant submits that it has obtained unregistered or common law rights in the mark MILLSTADT PHARMACY. It contends, in particular, that owing to its decades-long history of operations since at least 1968, that mark has become uniquely associated with the Complainant's goods and services. The Complainant exhibits a historical society record which refers to the pharmacy changing location in 1968, and a United States NPEES (National Plan and Provider Enumeration System) National Provider Identifier Registry record, confirming the Complainant's operation under the MILLSTADT PHARMACY name since 2007.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant submits that the disputed domain name is identical to its MILLSTADT PHARMACY trademark, ignoring the Top Level Domain ("TLD") ".com", which is merely a functional requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its MILLSTADT PHARMACY trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name. The Complainant submits that, instead, the Respondent is using the disputed domain name for commercial gain, by misleading and diverting customers looking for the Complainant's pharmacy services to a gambling website.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It states that the Respondent is using the disputed domain name associated with a community healthcare provider to confuse and divert Internet users (paragraph 4(b)(v) of the Policy). It adds that the diversion of Internet users to a gambling website tarnishes the Complainant's trademark and its reputation.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

In its email to the Center dated April 20, 2026, the Respondent stated that it had suspended the user account associated with the disputed domain name and removed it from its active systems. In its email dated April 21, 2026, it stated that its previous email constituted its complete Response in the proceeding and that it did not intend to contest the Complaint. It did however request the reimbursement of USD 717.08, said to be associated with the registration of the disputed domain name. The Panel comments that the Parties' failure to resolve this financial issue appears to be the reason that the settlement discussions between the Parties did not proceed.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant does not claim any registered trademark rights in this case, and relies entirely on its submission that it has obtained unregistered or common law trademark rights in the mark MILLSTADT PHARMACY.

As observed in section 3.1 of WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)):

"To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys..."

Plainly the Complainant's submissions and evidence fall very far short of this standard, being limited in effect to evidence of the Complainant's existence as a pharmacy since at least 1968. Indeed, the Complainant does not even identify its own official website, which appears to be located at "www.millstadtpharmacyrx.com" and offers some level of information about its history and commercial profile.¹

¹ As discussed in section 4.8 of [WIPO Overview 3.1](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

These observations notwithstanding, section 3.1 of [WIPO Overview 3.1](#) also goes on to state:

“The fact that a respondent is shown to have been targeting the complainant’s mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant’s assertion and evidence that its mark has achieved significance as a source identifier.”

In the view of the Panel, the name MILLSTADT PHARMACY is somewhat distinctive in nature. Although the name comprises the combination of a geographical term and a business description, the terms in combination are capable of designating a distinct commercial entity. Further, there is no submission or evidence before the Panel that that name has any meaning in commerce other than to refer to the Complainant’s business. For that reason, it is more likely than not that the Respondent registered the disputed domain name in order to trade off the Complainant’s business, which is a supportive factor as identified in section 1.15 of [WIPO Overview 3.1](#).

Bearing in mind also that the first element under the Policy represents a threshold or “standing” requirement, designed to ensure that a complainant has a sufficient foundation to bring a complaint under the Policy, the Panel finds that the Complainant has established unregistered or common law trademark rights in the mark MILLSTADT PHARMACY for the purposes of the Policy.

The disputed domain name is identical to the Complainant’s unregistered trademark MILLSTADT PHARMACY, ignoring the TLD “.com” which may typically be disregarded for the purpose of comparison.

The Panel therefore finds that the first element under the Policy is 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.

In the view of the Panel, the Complainant’s submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Panel finds, moreover, that the disputed domain name has been used to impersonate the Complainant in order to divert Internet users to a gambling website, which activity cannot give rise to rights or legitimate interests on the part of the Respondent.

The Panel therefore finds that the second element under the Policy is established.

C. Registered and Used in Bad Faith

Based on the distinctive nature of the MILLSTADT PHARMACY unregistered trademark, its apparently exclusive use in connection with the Complainant's pharmacy store, and the lack of any alternative explanation on the part of the Respondent, the Panel can only reasonably conclude that the Respondent registered the disputed domain name in the knowledge of the Complainant's trademark and with the intention of taking unfair advantage of that trademark by impersonating the Complainant.

The Panel also finds that the Respondent has used the disputed domain name, which is identical to the Complainant's trademark, to resolve to a gambling website from which it must be assumed to earn referral revenues. The Respondent has therefore used the disputed domain name to divert Internet users looking for the Complainant's website for its own commercial purposes. The Panel finds, accordingly, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the third element under the Policy is satisfied.

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 <millstadtpharmacy.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 24, 2026