

ADMINISTRATIVE PANEL DECISION

BioNTech SE v. Roger Hartlieb, Medconn
Case No. D2026-1868

1. The Parties

The Complainant is BioNTech SE, Germany, represented by MSA IP - Milojevic Sekulic & Associates, Serbia.

The Respondent is Roger Hartlieb, Medconn, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <thebiontech.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 May 11, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Complainant filed a Supplemental Filing on May 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2026.

The Center appointed Luca Barbero as the sole panelist in this matter on June 5, 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 was founded in 2008 and is a biotechnology company focusing on the development of novel therapies for cancer and other serious diseases. It develops and manufactures active immunotherapies for patient-specific approaches to the treatment of diseases, which include pharmaceutical candidates based on messenger RNA (mRNA) for use, amongst others, as individualized cancer immunotherapies and as vaccines against infectious diseases.

The Complainant has a strong global media presence because it is one of the few companies which developed a vaccine in relation to COVID-19 infections. In cooperation with Pfizer, the Complainant indeed developed the vaccine known as the BioNTech/Pfizer (or Pfizer/BioNTech) Covid-19 vaccine, sold under the trademark COMIRNATY. As of April 25, 2023, this vaccine has been approved and used in 149 countries throughout the world, while in many other countries it is under a regulatory approval procedure.

The Complainant is the owner of several trademark registrations for BIONTECH, including the following:

- European Union Trademark Registration No. 008964447 for BIONTECH (word mark), filed on March 18, 2010, and registered on December 22, 2010, in classes 1, 5, 42 and 44;
- European Union Trademark Registration No. 016241465 for BIONTECH (word mark), filed on January 11, 2017, and registered on November 9, 2017, in classes 1, 5, 9, 10, 16, 31, 41, 42 and 44; and
- International Trademark Registration No. 1478253 for BIONTECH (semi-figurative mark), registered on April 5, 2019, in classes 1, 5, 42 and 44.

The Complainant is also the owner of several domain names incorporating its BIONTECH trademark, including <biontech.com>, registered on May 29, 1998, <biontech.de>, registered on October 10, 2007, <biontech.net>, registered on February 27, 2009, and <biontech.info>, registered on February 27, 2009.

The disputed domain name <thebiontech.com> was registered on April 22, 2026, and currently does not resolve to an active website as it has been suspended by the Registrar. However, based on the evidence provided by the Complainant - which has not been challenged by the Respondent – the disputed domain name previously redirected to the Complainant's website "www.biontech.com" and had MX records configured.

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 the disputed domain name is confusingly similar to the Complainant's trademark BIONTECH as it reproduces the mark with the mere addition of the word "the" and the generic Top-Level Domain (gTLD) ".com", which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's BIONTECH trademark.

The Complainant submits that the Respondent does not have rights or legitimate interests in the disputed domain name because: i) the Respondent, by redirecting the disputed domain name to the Complainant's website, did not demonstrate use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or a legitimate activity; ii) the Respondent is neither commonly known by the name "Biontech" or "The Biontech" nor in any way affiliated with the Complainant; iii) the Complainant is not aware of trademark registrations for BIONTECH or "THEBIONTECH" in the name of the Respondent; iv) considering the disputed domain name entirely incorporates the well-known trademark BIONTECH of the Complainant, the Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name; v) the Respondent has engaged in a pattern of registering domain names corresponding to third-party marks and such circumstance has been recognized in prior cases as an indication of a lack of legitimate interest on the respondent's side; and vi) since Mail Exchange ("MX") records were configured in respect of the disputed domain name, the disputed domain name could be used for phishing or other fraudulent purpose.

With reference to the bad faith requirement, the Complainant contends that it is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name since the Complainant is well known throughout the world, including in the Respondent's country.

The Complainant also states that, while it is virtually certain that the Respondent deliberately chose the disputed domain name and registered it in bad faith with the Complainant in mind in order to make a commercial gain and to disrupt the Complainant's activity, even without such a scenario a quick search for BIONTECH trademarks would have revealed to the Respondent the existence of the Complainant and its trademarks.

As an additional circumstance evidencing the Respondent's bad faith in the Complainant's view, the Complainant points out that it appears that the Respondent intentionally employed a privacy service merely to hide its identity from an anticipated complainant or to avoid being notified of a proceeding filed against it.

The Complainant further states that the Respondent has been involved as a respondent in several prior UDRP proceedings and notes that, given the Respondent's history of bad faith registrations of domain names corresponding to well-known trademarks, the Respondent has engaged in a pattern of conduct, by preventing trademark holders from reflecting their mark in a corresponding domain name.

As to bad faith use, the Complainant contends that, in view of the composition of the disputed domain name and its redirection to the Complainant's main website, the Respondent intended to give an overall impression that the disputed domain name was associated with the Complainant, and intended to use the Complainant's renowned trademark for unlawful purposes.

The Complainant further points out that the configuration of MX records on the disputed domain name constitutes use in bad faith in view of the risk that the Respondent may be engaged in a phishing scheme, aimed at deceiving Internet users into believing that they were dealing with the Complainant.

The Complainant also asserts that the Respondent registered the disputed domain name to prevent the Complainant from using its BIONTECH trademark in the disputed domain name and especially to prevent the Complainant from registering the disputed domain name.

The Complainant concludes that the Respondent's primary motive in registering and using the disputed domain name was to capitalize on or otherwise take advantage of the Complainant's trademark rights.

In its Supplemental Filing of May 22, 2026, the Complainant provided evidence showing that on May 20, 2026, the disputed domain name was used in furtherance of a phishing scheme.

B. Respondent

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

6. Discussion and Findings

The Panel notes that on May 22, 2026, the Complainant filed a Supplemental Filing. The Panel in its discretion decides that it is appropriate to admit and consider the Complainant's Supplemental Filing insofar as it provides further evidence relevant for the merits of the case which was unavailable to the Complainant at the time the Complaint was filed. WIPO Overview of WIPO Panel Views on Select UDRP Questions, (["WIPO Overview 3.1"](#)), section 4.6.

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 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. Indeed, the Complainant has provided evidence of ownership of several valid trademark registrations for BIONTECH.

The entirety of the mark is reproduced within the disputed domain name, with the mere addition of the article "the" as prefix. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

As to the generic Top-Level Domain ".com", it is a standard registration requirement and can be disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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.

According to the evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name. Moreover, there is no element from which the Panel could infer the Respondent's rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The disputed domain name, which currently does not resolve to an active website and has been suspended, prior to the start of the proceeding redirected to the Complainant's website and had MX records configured and was subsequently used for sending a phishing email. Based on the records, the Panel finds that the disputed domain name has not been used in connection with a bona fide offering of goods or services or a legitimate noncommercial use without intention to misleadingly divert consumers or to tarnish the BIONTECH trademark.

Considering the composition of the disputed domain name, encompassing the Complainant's well-known trademark in its entirety with the mere prefix "the", and its prior use as shown by the evidence provided by the Complainant – which has not been challenged by the Respondent - the Panel finds that, on balance of probabilities, the Respondent intended to impersonate the Complainant through the registration and use of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, including passing off and phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 finds that, in light of i) the prior registration and use of the trademark BIONTECH by the Complainant; ii) the well-known character of the Complainant's trademark, as also recognized in prior decisions rendered under the Policy; iii) the Complainant's promotion of its activities under the BIONTECH mark via the website "www.biontech.com"; iv) the wide media recognition of the Complainant and its mark, and (v) the use of the disputed domain name to impersonate the Complainant in furtherance of a phishing scheme, the Respondent knew of the Complainant's trademark at the time of registration of the disputed domain name. [WIPO Overview 3.1](#), section 3.2.2.

Moreover, the composition of the disputed domain name, confusingly similar to the Complainant's trademark, and its prior redirection to the Complainant's website, suggest that the Respondent was actually well aware of the Complainant's mark and registered the disputed domain name with the intent to confuse users and induce them to believe that the disputed domain name was held by the Complainant.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark can by itself create a presumption of bad faith. Panels have moreover found that redirecting a domain name to the complainant's website can demonstrate the respondent's intent to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.1](#), section 3.1.4.

The disputed domain name is currently not actively used since it has been suspended by the concerned Registrar. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name and its prior use, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel also finds that the Respondent's involvement as respondent in prior UDRP cases concerning domain names corresponding to third-party marks which were concluded with the transfer of the domain names to the complainants (see e.g. *American Heart Association, Inc. v. Roger Hartlieb, Medcon*, WIPO Case No. [D2025-4518](#)) further supports the conclusion that the Respondent acted in bad faith through the registration and use of the disputed domain name.

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 <thebiontech.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: June 5, 2026