ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Zambon S.p.A. v. Zambon Pharma
Case No. D2026-2302

1. The Parties

The Complainant is Zambon S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Zambon Pharma, India.

2. The Domain Name and Registrar

The disputed domain name <zambonpharmaceutical.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 May 28, 2026. On May 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 May 29, 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 June 3, 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 June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 29, 2026.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on July 1, 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 multinational pharmaceutical company within the Zambon Group, founded in 1906 and currently headquartered in Bresso, Italy. The Group operates across Europe, North and South America, and Asia, with manufacturing facilities in Italy, Brazil, Switzerland, France, and China. The Complainant also has a presence in India, where the Respondent is located, through its subsidiary Zambon (India) Pvt. Ltd.

The Complainant is the owner of various trademark registrations including:

- International Trademark Registration No. 620243 ZAMBON, registered on June 20, 1994, in International classes 1, 3, 5, 10, 16, 31 and 34;

- International Trademark Registration No. 849410 Zambon, registered on December 28, 2004, in International class 5;

- Indian Trademark Registration No. 595912 ZAMBON, registered on April 30, 1993, in International class 1; and

- Indian Trademark Registration No. 595913 ZAMBON, registered on April 30, 1993, in International class 1.

The Complainant also owns various domain names which contain the ZAMBON trademark and variations of it such as: <zambon.com>, registered on December 6, 1999, <zambonpharmaceuticals.com> and <zambonpharma.com>, both registered on March 25, 2010.

The disputed domain name was registered on December 17, 2025, and resolves to a “coming soon” website. The Complainant has also provided evidence that mail exchange (“MX”) records have been configured for the disputed domain name, indicating that it may be used for email communications associated with the disputed domain name.

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 its registered trademark ZAMBON, and that the addition of the term “pharmaceutical” is generic and reinforces the similarity, as it describes the Complainant’s business.

The Complainant further argues that the Respondent is not a licensee, authorized agent of the Complainant, or otherwise authorized to use the Complainant’s trademark ZAMBON. The Complainant submits that there is no evidence that the Respondent is commonly known by the disputed domain name, whether as an individual, business, or other organization.

The Complainant notes that even if the registrant “Zambon Pharma” corresponds to the entity “ZAMBON PHARMA PRIVATE LIMITED”, the latter was incorporated in India just a few weeks prior to the registration of the disputed domain name. Furthermore, no trademark registrations for or encompassing the term “Zambon” exist in the name of “Zambon Pharma” or any related entity, nor is there any evidence of a

legitimate or active business. In addition, the company’s registered address and the address indicated in the WhoIs records are incomplete and inaccurate.

The Complainant also contends that the Respondent has not provided any evidence of 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 non-commercial or fair use, but instead has configured the disputed domain name to resolve to a landing page indicating that the website will be launched soon.

The Complainant submits that the misappropriation of a well-known trademark as a disputed domain name, in itself, constitutes bad faith registration for the purposes of the Policy, making it unlikely that the Respondent was not aware of the Complainant’s trademark rights and of the Complainant’s domain names <zambonpharma.com> and <zambonpharmaceuticals.com> at the time of registration of the disputed domain name.

The Complainant points out that such knowledge is demonstrated by the addition of the term “pharmaceutical” to the ZAMBON mark, given that the Complainant is well known in the pharmaceutical field.

The Complainant also cites several prior UDRP decisions in which the ZAMBON mark has been recognized as well known.

The Complainant further contends that the Respondent's passive holding of the disputed domain name, should not prevent a finding of bad faith use, in light of the confusing similarity between the disputed domain name and the Complainant's distinctive and well-known trademark ZAMBON, the Respondent's lack of any rights or legitimate interests in the disputed domain name, and the absence of any plausible good faith use of the disputed domain name given its composition.

Furthermore, the Complainant contends that the configuration of MX records indicates a risk that the disputed domain name may be used for deceptive email communication purposes. Finally, the Complainant asserts that the Respondent's failure to respond to cease-and-desist communications amounts to an implied admission of the allegations and constitutes additional evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

(i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name;
(iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent’s default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 trademark ZAMBON 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 may bear on the assessment of the second and third elements, the Panel notes that the addition of a term does not prevent a finding of confusing similarity between a disputed domain name and a mark for the purposes of the Policy (WIPO Overview 3.1, section 1.8). In the present case, the term "pharmaceutical" merely defines the goods in which the Complainant trades. Internet users are likely to perceive this term as descriptive of a website offering information about the Complainant's products or services, leaving the trademark ZAMBON as the dominant and distinctive element of the disputed domain name.

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.

It results from the evidence supporting the Complaint that the disputed domain name resolves to a provisional "coming soon" landing page. There is no indication that the Respondent has utilized it for a bona fide offering of goods or services, or is making a legitimate noncommercial or fair use of it. The Panel notes that the Registrar-confirmed registrant details for the disputed domain name is "Zambon Pharma", which may have been relevant for paragraph 4()(ii) of the Policy, however no evidence has been brought forward by the Respondent in that regard, and the for the reasons discussed below, the Panel finds that it would not be sufficient to give rise to rights or legitimate interests of the Respondent in the disputed domain name.

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.

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.

Panels have found that the non-use of a domain name (including a blank or "launching soon" page) 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, and the composition of the disputed domain name, which incorporates the trademark in its entirety alongside a descriptive term related to the Complainant's field of activity.

The evidence indicates that the Respondent selected the disputed domain name with prior knowledge of the Complainant's operations, especially noting the Complainant's presence in India where the Respondent is reportedly located.

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. In the present case, such a finding is reinforced by the following factors: (i) the Complainant's ZAMBON mark is globally recognized within the pharmaceutical sector, making it highly unlikely to be chosen by coincidence; (ii) the incorporation of the industry-specific term "pharmaceutical" confirms that the Respondent specifically targeted the Complainant's business; (iii) the Respondent has failed to submit a Response or provide any evidence of good-faith use; (iv) the Respondent provided incomplete and inaccurate contact details in the public WhoIs records.

Taking the above factors into consideration, the Panel is unable to conceive of any plausible good-faith use to which the disputed domain name could be put.

Finally, the disputed domain name has been configured with active MX records, creating an imminent risk of deceptive email communications impersonating the Complainant, which further reinforces the finding of registration and use in bad faith under paragraph 4(b) of the Policy.

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 <zambonpharmaceutical.com> be transferred to the Complainant.

/Estela Mariel de Luca/
Estela Mariel de Luca
Sole Panelist
Date: July 15, 2026