ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Mylan Inc. v. Dr. Fabian Noronha
Case No. D2026-2442

1. The Parties

The Complainant is Mylan Inc., United States of America, internally represented.

The Respondent is Dr. Fabian Noronha, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <viatrispharmahk.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 June 4, 2026. On June 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 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, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 9, 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 the same date.

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 June 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 2, 2026.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on July 7, 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 member company of Viatris Inc. The Complainant is a global healthcare company formed through the combination of Mylan Inc. and Upjohn, a division of Pfizer Inc., and is a global producer of generic and branded pharmaceuticals that address eleven different therapeutic areas, with distribution in more than 165 countries around the world.

Complainant is the owner of the mark VIATRIS. The mark was originally used by a German company that was acquired by the Viatris entity, Meda, in 2005. The Viatris name was announced as the new Mylan / Upjohn company name in November 2019. The Complainant has registered the VIATRIS mark in the United States (regs. 8031570, 7588391, 7429552, 7588392 and 7819188), China (41165004) as well as many foreign countries, totaling to approximately 705 registrations worldwide connected to its areas of business.

The Complainant has a Hong Kong specific website at "www.viatris.com.hk".

The disputed domain name was registered on September 7, 2022, and it currently resolves to a temporary page which features the message "403 Forbidden Access to this resource on the server is denied!". Before that, the disputed domain name resolved to a website that closely imitated the Complainant's website, displaying the Complainant's trademark and an email with the extension "[…]@viatrispharmahk.com".

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.

B. Respondent

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

6. Discussion and Findings

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 entirety of the mark is reproduced 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 here "pharma" and "hk" (geographical term for Hong Kong) may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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.

The Respondent's pairing of the Complainant's distinctive trademark with the industry-specific term 'pharma' may create a risk of false affiliation to Internet users.

Panels have held that the use of a domain name for illegitimate activity here, passing off, or other types of fraud 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 notes that:
- the Respondent registered a domain name incorporating the Complainant's trademark alongside the term "pharma", which directly relates to the Complainant's business;
- consequently, the Respondent was, or ought to have been, aware of the Complainant and its trademark at the time of registration;
- the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark, and
- although the domain name is currently not in active use, the Panel cannot conceive of any plausible good faith use for a domain name that combines the Complainant's trademark with the term "pharma" and "hk", referencing Hong Kong, where the Respondent resides.

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 held that the use of a domain name for illegitimate activity here, passing off, or other types of fraud constitutes bad faith. WIPO Overview 3.1, section 3.4.

Panels have found that the non-use of a domain name (including an error 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 or reputation of the Complainant's trademark, and the composition of the disputed domain name, 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 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 <viatrispharmahk.com> be transferred to the Complainant.

/Pablo A. Palazzi/
Pablo A. Palazzi
Sole Panelist
Date: July 13, 2026.