ADMINISTRATIVE PANEL DECISION
Verfora SA v. Zuellig Pharma Asia Pacific LTD Phils. ROHQ, and
Zuellig Pharma Holdings Limited
Case No. D2026-2899

1. The Parties

The Complainant is Verfora SA, Switzerland, represented by Troller Hitz Troller, Rechtsanwälte, Switzerland.

The Respondents are Zuellig Pharma Asia Pacific LTD Phils. ROHQ, Philippines; and Zuellig Pharma Holdings Limited, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <perskindolasia.com> and <perskindolmalaysia.com> are registered with Marcaria International LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2026. On July 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 4, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Manager, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 13, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 29, 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 Respondents of the Complaint, and the proceedings commenced on July 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on August 19, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on September 2, 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 part of an international pharmaceutical group that is active in the healthcare market. The Complainant distributes products for the treatment of pain and sports injuries internationally under its trademark PERSKINDOL, which is registered in numerous jurisdictions around the world. Among many others, the Complainant is the owner of the International Trademark Registrations No. 471878, registered on September 24, 1982, for PERSKINDOL, designating various jurisdictions, and covering protection for goods in class 5, and No. 1592969, registered on January 29, 2021, for PERSKINDOL, designating many jurisdictions inter alia in Asia, including Philippines and Malaysia, and covering protection for goods in classes 3 and 5.

For almost 30 years, the Complainant further owns the domain name <perskindol.com>, which redirects users to its official website at "www.perskindol.ch".

The Respondents are reportedly located in the Philippines and in Malaysia.

The disputed domain name <perskindolasia.com> was registered on March 4, 2020.

The disputed domain name <perskindolmalaysia.com> was registered on July 31, 2020.

At the time of the Decision, the disputed domain name <perskindolmalaysia.com> is actively used and resolves to a website with information on the Complainant's products while prominently using the Complainant's PERSKINDOL trademark. The associated website further contains information on a business partner of the Complainant that, according to the Complainant's unrefuted assertions, is not the owner of the disputed domain name.

The disputed domain name <perskindolasia.com> currently is not actively used.

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 names.

B. Respondents

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

6. Discussion and Findings

6.1. Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

In light of the criteria set out above, the Panel finds that the Complainant has provided unrebutted indications that both disputed domain names are likely under common control for the following reasons:

Most notably, the two Respondents use company names that are, at least in their distinctive parts, identical. Furthermore, the disputed domain names were both registered within a period of only a couple of months and with the same Registrar. Additionally, the disputed domain names display an overall similar nature and composition pattern.

The Panel concludes that the Respondents are more likely than not somehow connected. Hence, the Panel accepts that the disputed domain names are both under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain names are identical or confusingly similar to a trademark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

(iii) the disputed domain names have been registered and are being used in bad faith.

As per paragraph 4(a) of the Policy, the complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. D2007-1228.

Concerning the uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. WIPO Overview 3.1, section 4.3.

It is further noted that the Panel has taken note of the WIPO Overview 3.1 and, where appropriate, will decide consistently with the consensus views captured therein.

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 3.1, section 1.7.

The Complainant has shown rights in respect of the PERSKINDOL trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the PERSKINDOL mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the PERSKINDOL mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms, here the geographical terms "asia", and "malaysia", respectively, 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 names 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 names. Particularly, the Complainant put forward that the Respondent is neither a business partner of the Complainant nor a licensee of its PERSKINDOL trademark and that the Respondent is not commonly known by the term "perskindol" in combination with "asia" respectively "malaysia". 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 names such as those enumerated in the Policy or otherwise.

As regards the actual use of the disputed domain name <perskindolmalaysia.com>, the Panel particularly believes that, even if the Respondent were to be considered a distributor of the Complainant's products, it cannot be assessed as having rights or legitimate interests in light of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 ("Oki Data"). The criteria as set forth in "Oki Data" are not fulfilled in the present case. The Panel particularly notes that the website linked to the disputed domain name <perskindolmalaysia.com> merely provides information about the Complainant's products and does not offer any goods or services. In view of the Panel, this takes the Respondent out of the "Oki Data" safe harbour for purposes of the second element. Moreover, the nature of both the disputed domain name which comprises the entirety of the Complainant's PERSKINDOL trademark in combination with a geographical term creates an impermissible risk of implied affiliation and user confusion, and so the Respondent cannot be found as having rights or legitimate interests in the disputed domain names under the Policy. WIPO Overview 3.1, section 2.5.1. This impression is further reinforced by the overall presentation of the website in regard to the disputed domain name <perskindolmalaysia.com>, including the prominent use of the Complainant's PERSKINDOL trademark.

All in all, the Panel finds that the Respondent has no rights or legitimate interests in either of the disputed domain names.

Consequently, 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.

In the present case, the Panel notes that the Respondent must have had the Complainant and its PERSKINDOL trademark in mind when registering the disputed domain names. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain names, which comprise the Complainant's trademark in its entirety, together with the geographical terms "asia" and "malaysia", to target and mislead Internet users searching for the Complainant and its products.

With respect to the use of the disputed domain names in bad faith, the Panel finds that the Respondent uses the disputed domain name <perskindolmalaysia.com> in order to generate traffic to its own website by deliberately misleading third parties in a false belief that the associated website is operated by the Complainant. The composition of the disputed domain name and the prominent use of the Complainant's PERSKINDOL mark, including logos and official product pictures of the Complainant, is, in view of the Panel, sufficient evidence that the disputed domain name carries in itself a risk of user confusion and as such, amounts to registration and use in bad faith.

With regard to the disputed domain name <perskindolasia.com>, the Panel notes that it currently does not resolve, and apparently has never resolved, to an active website. In this regard, the Panel notes that the passive holding of a domain name does not as such prevent a finding of bad faith. In the circumstances like in the present case, the Panel considers particularly relevant that the disputed domain name <perskindolasia.com> incorporates the Complainant's PERSKINDOL trademark in its entirety, together only with the geographical term "asia", and that the Respondent has provided no plausible explanation for such registration. All in all, these circumstances support a finding that also the Respondent's passive holding of the disputed domain name <perskindolasia.com> constitutes use in bad faith under the Policy.

Moreover, because the Complainant has no control over the disputed domain names, the Respondent could change its content at any time, potentially harming the Complainant's business.

Consequently, 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 names <perskindolasia.com> and <perskindolmalaysia.com> be transferred to the Complainant.

/Kaya Köklü/
Kaya Köklü
Sole Panelist
Date: September 16, 2026