

ADMINISTRATIVE PANEL DECISION

Besins Healthcare Luxembourg Sarl v. Daisha Thomas
Case No. D2026-3027

1. The Parties

The Complainant is Besins Healthcare Luxembourg Sarl, Luxembourg, represented by Nameshield, France.

The Respondent is Daisha Thomas, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <buyandrogel.com> is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 9, 2026. On July 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 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 July 13, 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 July 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 18, 2026.

The Center appointed Eric Macramalla as the sole panelist in this matter on August 20, 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

Founded in 1885, the Complainant is a pharmaceutical company specialized in obstetrics, gynecology, urology and andrology. It offers novel therapies for gynecology and andrology.

The ANDROGEL product is a replacement therapy for treating testosterone deficiency. The product is indicated in adults as testosterone replacement therapy for male hypogonadism.

The Complainant is the owner of numerous trademark registrations comprised of, or containing, ANDROGEL (the "ANDROGEL Trademarks"), including the following:

(a) ANDROGEL, International Registration No. 475204 filed for use in association with Class 5, and registered since March 3, 1983.

(b) ANDROGEL, International Registration No. 797636 filed for use in association with Classes 5 and 38, and registered since February 6, 2003.

The Complainant owns several domain names comprised of the ANDROGEL trademark, including <androgel.com>, which was registered on October 5, 1999.

The disputed domain name was registered on July 4, 2026. The disputed domain name has been made to resolve to a website which is indicated as being "under construction".

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.

The Complainant has alleged that the disputed domain name is confusingly similar to the ANDROGEL Trademarks in which it has rights. The Respondent has incorporated the whole of the ANDROGEL trademark in the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name as contemplated by paragraph 4(c) of the Policy. The Complainant has not authorized the Respondent to use ANDROGEL Trademarks and is not otherwise connected to the Respondent. The Respondent's activities do not constitute a bona fide offering of goods or services, the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making any legitimate noncommercial or fair use of the domain name.

The disputed domain name was registered and is used in bad faith as per paragraph 4(a)(iii). The Respondent's passive holding of the disputed domain name also supports a finding of bad faith as does the Respondent's likely knowledge of the ANDROGEL Trademarks.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, to succeed a complainant must establish the following:

- (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 was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

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 generic Top-Level Domain is typically disregarded in determining the issue of confusing similarity. [WIPO Overview 3.1](#), section 1.11.1.

The Complainant has established rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Complainant has established longstanding rights in the ANDROGEL Trademarks in numerous jurisdictions worldwide.

Furthermore, the Panel finds the mark is recognizable within the disputed domain name as contains the ANDROGEL trademark. Under the circumstances, the Panel finds confusing similarity.

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, on a balance of probabilities, that 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 Complainant has not authorized, licensed, or otherwise permitted, the Respondent to use the ANDROGEL Trademarks in any manner, including as part of a domain name. There is also no evidence that the Respondent is commonly known by the disputed domain name. There is also no basis to conclude that the Respondent is making legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. There is also no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

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.

While 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, other circumstances may also 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.

The ANDROGEL trademark is a coined term, is inherently distinctive, has been in use for decades, and is the subject of many trademark registrations worldwide. The Panel therefore concludes that the Respondent knew, or should have known, that the disputed domain name was likely to be confused with the ANDROGEL Trademarks. The Panel finds that the disputed domain name was registered in bad faith.

Panels have found that the non-use of a domain name (including a blank or "coming 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.

In the present case, the disputed domain name, which was registered years after the Complainant registered its trademark, is confusingly similar to the ANDROGEL Trademarks and, if ever put to use, is likely to cause confusion among Internet users as to the source, affiliation, or sponsorship of the disputed domain name. Having considered the reputation or distinctiveness of the Complainant's trademark, and the composition of the disputed domain name, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the circumstances of this case.

Therefore, having reviewed the record, the Panel finds the registration and use of the disputed domain name constitutes 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 paragraph 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <buyandrogel.com> be transferred to the Complainant.

/Eric Macramalla/

Eric Macramalla

Sole Panelist

Date: September 2, 2026