

ADMINISTRATIVE PANEL DECISION

Ferring B.V. v. Kovalchuk Volodymyr, Ferring Ukraine
Case No. D2026-3333

1. The Parties

The Complainant is Ferring B.V., Netherlands (Kingdom of the), represented by Com Laude Limited, United Kingdom.

The Respondent is Kovalchuk Volodymyr, Ferring Ukraine, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <ferringukraine.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 28, 2026. On July 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 amended Complaint on August 3, 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 August 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 31, 2026.

The Center appointed Knud Wallberg as the sole panelist in this matter on September 4, 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 the Ferring Pharmaceuticals group ("Ferring"), a privately owned, research-driven biopharmaceutical company founded in 1950 and headquartered in Saint-Prex, Switzerland. Ferring is a global healthcare business employing more than 7,500 people and operating through subsidiaries in over 50 countries, with its products marketed in more than 100 countries worldwide.

The Complainant is the owner of a global portfolio of registered trademarks for the term FERRING, among others, International Registration No. 615597, registered on February 18, 1994, for goods in classes 5, and 10, and which covers Ukraine; European Union registration No. 004030193, registered on September 11, 2006, for goods in classes 5, and 10; and United States of America registration No. 3662266, registered on August 4, 2009, for goods in class 5.

The Complainant operates its main website located at the domain name <ferring.com>.

The disputed domain name was registered on March 12, 2026. Before the Complaint was filed, the disputed domain name resolved to a website identifying itself as "Ferring Ukraine" and displaying basic information about mobile app development. By the time the Complaint was filed, the disputed domain name did not resolve to an active website.

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 <ferringukraine.com> is confusingly similar to its well-known trademark FERRING, as it contains the Complainant's trademark with the addition of the country name "ukraine".

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its FERRING mark. Furthermore, the Complainant has found no evidence that the Respondent owns any trademarks incorporating the term FERRING or FERRING UKRAINE, and has found no evidence that the Respondent has ever traded legitimately under the name FERRING or FERRING UKRAINE.

Finally, the Complainant submits that the Complainant and its trademark FERRING is so well-known, that it is inconceivable that the Respondent registered the disputed domain name without having the Complainant in mind. The Complainant thus states that the Respondent acquired and has used the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier mark. The Complainant notes that although the disputed domain name no longer resolves to an active website such passive holding constitutes bad faith use.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that the proceedings should continue.

The Panel notes that the Center notified the Respondent of the Complaint using all available means and there is no evidence of unsuccessful delivery. Furthermore, the Panel notes that the disputed domain name was registered on March 12, 2026, during the international conflict, suggesting that the Respondent is able to access Internet, maintain control of the disputed domain name, and thus should have received at least electronic notice of this proceeding.

The Panel also points out that, for the reasons which are set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's trademark and its services.

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.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

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

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom 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 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, “Ukraine”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 Panel notes that according to the Whois, the Respondent identifies his organization as “Ferring Ukraine”, but this does not by itself establish that the Respondent was commonly known by that name under paragraph 4(c)(ii) nor that it has rights or legitimate interests. Furthermore, considering the nature and use of the disputed domain name, no evident explanation as to the reason for the selection of a domain name comprising the FERRING trademark is available, except for the fact that the disputed domain name reproduces the Complainant’s trademark together with a geographical term;

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, given the circumstances of the case, in particular the extent of use and reputation of the Complainant’s trademark FERRING, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant’s marks. Further, the Panel finds that the Respondent could not have been unaware of the fact that the disputed domain name it chose could attract Internet users in a manner that is likely to create confusion for such users.

The disputed domain name has, according to the Complainant and as supported by evidence, previously been used for a website identifying itself as “Ferring Ukraine” and displaying basic information about mobile app development, i.e. a use that was completely unrelated to the Complainant’s areas of business. The fact

that the disputed domain name at the time of filing the Complaint resolved to an inactive website does not prevent a finding of bad faith use. As it is stated in section 3.3 of the [WIPO Overview 3.1](#): “From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or ‘coming soon’ page) would not prevent a finding of bad faith under the doctrine of passive holding.”

Noting that the disputed domain name incorporates the Complainant’s distinctive and reputed trademark FERRING, the geographical term “Ukraine” and the generic Top-Level Domain “.com”, that no Response has been filed and that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain name, and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy is also fulfilled in relation to the disputed domain name.

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 <ferringukraine.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: September 18, 2026