ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Biofarma v. shi lei
Case No. D2026-3469

1. The Parties

The Complainant is Biofarma, France, represented by IP Twins SAS, France.

The Respondent is shi lei, China.

2. The Domain Name and Registrar

The disputed domain name <hyperiumedical.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 5, 2026. On August 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 August 11, 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 12, 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 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2026.

The Center appointed Alistair Payne as the sole panelist in this matter on September 10, 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 Servier Group, one of the largest independent French pharmaceutical groups and a leading pharmaceutical group in the hypertension pharmaceutical market worldwide. HYPERIUM is the brand name of a medicine used and distributed internationally to treat hypertension. The Complainant owns the brand rights for the HYPERIUM product including numerous registered trade marks and in particular, French trade mark registration 1578104 registered on August 10, 1990, and United Kingdom trade mark registration 00001149695 registered on March 2, 1981.

The disputed domain name was registered on December 16, 2025. At the date of filing of this Complaint, the disputed domain name resolved to a webpage showing the greeting “Hello” and a search field without anything else to indicate the page’s origin. It appears that entering a term into the search field redirects Internet users to a page featuring the links of the search results.

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 its HYPERIUM trade mark is wholly incorporated into the disputed domain name which it says is therefore confusingly similar to its mark. It submits that associating “hyperium” and “medical” in a single portmanteau word where the two terms share the same “m” does not prevent a finding of confusing similarity.

The Complainant submits that “Hyperium” has no meaning in any dictionary and is a coined and fanciful term. It says that having undertaken a worldwide trade mark search for HYPERIUM, no registration was revealed as being owned by the Respondent and further, that there is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization. It also asserts that the Complainant has no business relationship with the Respondent and has not been authorised or licensed by the Complainant to use its mark.

Further, the Complainant notes that the disputed domain name resolves to a page which displays the words “Hello. Search for information” next to a search field and that there is no “hyperium” or “hyperiumedical” name, logo or branding on the page whatsoever. The Complainant says that the search engine seems to yield results from third-party websites, the same ones recurring in the top results whatever the query. It believes that the disputed domain name is just used for the purpose of generating traffic to third party websites. In summary the Complainant says that there is no evidence to suggest that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

As far as registration and use in bad faith are concerned, the Complainant says that based on the coined and fanciful nature of its mark, it is highly distinctive and therefore that the Respondent is unlikely to have registered the disputed domain name without having had prior knowledge of its mark. Noting that the HYPERIUM mark was registered many years before the disputed domain name, that the disputed domain name includes the term "medical" and that a quick search for HYPERIUM in a search engine would have indicated to the Respondent the Complainant's product and business associated with the mark, the Complainant submits that the Respondent must have known of the Complainant's mark and business when he registered the disputed domain name.

The Complainant says that the Respondent's subsequent use of the disputed domain name to resolve to a website with a search engine that appears to drive traffic to third party sites amounts to a passive holding under WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 3.3. It submits that considering the distinctiveness and degree of reputation attaching to the HYPERIUM mark and the inclusion of the word "medical" in the disputed domain name, that the Respondent cannot have registered the disputed domain name in good faith and neither is it conceivable that the Respondent could make a good faith use 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 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.

The Panel finds that the addition of the letters "edical" after "hyperium" to form "hyperiumedical", a portmanteau word comprising the Complainant's HYPERIUM trade mark and of the word "medical", 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.

The Complainant has submitted that the term "hyperium" has no meaning in any dictionary and is a coined and fanciful term. It has asserted that a worldwide trade mark search for HYPERIUM reveals no entry in the Respondent's name and that there is no evidence that the Respondent has been commonly known by the disputed domain name, whether as an individual, business, or other organisation. It has also asserted that the Complainant has no business relationship with the Respondent and has not been authorised or licensed by the Complainant to use its mark.

The Complainant has noted that the disputed domain name resolved at the date of filing to a page which displays the words "Hello. Search for information" next to a "search field", noting that there is no "hyperium" or "hyperiumedical" name, logo or branding on the page whatsoever. The Complainant has provided screenshots in evidence showing that the search engine yields a series of links to third-party websites and it has asserted that no matter the query, the links to the some websites recur in the top results. Finally, under this element of the Policy, the Complainant has submitted that the disputed domain name is used for the purpose of generating traffic to third party websites and that there is no evidence to suggest that the Respondent is making a legitimate, noncommercial, or fair use of the disputed domain name.

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 the links to which Internet users are ultimately directed appear to be query based and while there are what appear to be some community based links, the majority of them appear to be commercial and therefore not for legitimate, noncommercial or fair use purposes.

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 disputed domain name was registered many years after the registration of the Complainant's coined, fanciful, highly distinctive and internationally reputed mark HYPERIUM. This together with the fact that the disputed domain name incorporates the term "medical" as part of a portmanteau word "hyperiumedical" and also the fact that simple Internet searches would have revealed the substantial on-line presence of the Complainant's HYPERIUM drug, leads to a strong inference that the Respondent was well aware of the Complainant's mark and business when it registered the disputed domain name.

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.

The Panel notes that, although the Complainant has suggested that this is a case of passive holding, at the time of filing of this Complaint the disputed domain name resolved to a website that re-directed Internet users entering any term into the search box to a number of links to what appear to be query based third party commercial websites.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case it appears that the Respondent has intentionally used the disputed domain name to redirect Internet users searching for the Complainant's product to third party websites which are query based. Although the links appear to lead to both community based and commercial websites, the Panel is satisfied that the large majority of the links appear to lead to commercial websites and that it is most likely that the Respondent benefits commercially in some way as a result. Further, the fact that the Respondent failed to provide any explanation for its conduct, only reinforces the Panel's view of its bad faith.

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 <hyperiumedical.com> be transferred to the Complainant.

/Alistair Payne/
Alistair Payne
Sole Panelist
Date: September 24, 2026