

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. yan balayas
Case No. D2026-3545

1. The Parties

The Complainant is Eli Lilly and Company, United States of America ("United States"), represented by Faegre Drinker Biddle & Reath, United States.

The Respondent is yan balayas, Brazil.

2. The Domain Name and Registrar

The disputed domain name <mounjaro-tirzepatida.shop> (the "Disputed Domain Name") is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 12, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 3, 2026.

The Center appointed Mariia Koval as the sole panelist in this matter on September 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, founded in 1876, is an United States multinational pharmaceutical company headquartered in Indianapolis, Indiana, with offices in 18 countries. The Complainant's products are sold in approximately 125 countries. The Complainant is ranked 4th on the list of largest biomedical companies by revenue and in November 2025, the company reached a USD 1 trillion market capitalization, the first health-care company in the world to do so. One of the Complainant's primary products is Tirzepatide (Mounjaro (the "MOUNJARO Trademark") and Zepbound) for the treatment of type two diabetes, weight loss, and obstructive sleep apnea (56 percent of 2025 revenues). The Complainant launched the product under the MOUNJARO Trademark in 2022, and by the end of 2022, the product produced nearly USD 280 million in revenue.

The Complainant is the owner of 143 registrations for the MOUNJARO Trademark (or its foreign language equivalents) in 91 jurisdictions around the world and at least 24 registrations of the MOUNJARO Logo in 22 jurisdictions, among which are:

- European Union Trade Mark Registration No. 018209187, registered on September 8, 2020, in class 5;
- Brazil Trademark Registration No. 919475787, registered on November 24, 2020, in class 5;
- United States Trademark Registration No. 6809369, registered on August 2, 2022, in class 5.

The Complainant has also an Internet presence for its MOUNJARO Trademark. The Complainant registered the domain name <mounjaro.com> on October 21, 2019, which redirects to a website "www.mounjaro.lilly.com" and which is used to advertise and provide information regarding its products under the MOUNJARO Trademark.

The registration date of the Disputed Domain Name is February 27, 2026. As at the date of this Decision the Disputed Domain Name resolves to an inactive website. However, in accordance with the evidence presented by the Complainant (Annex 13 to the Complaint) at the date of filing the Complaint the Disputed Domain Name resolved to an active website targeting consumers in Brazil and purporting to offer for sale the Complainant's MOUNJARO (tirzepatide) product without a prescription. The website also purported to offer "retatrutide", a next-generation investigational drug that has not yet been approved for medical use and therefore cannot lawfully be marketed or sold to patients for medicinal purposes.

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 is confusingly similar to the Complainant's MOUNJARO Trademark since the Disputed Domain Name reproduces the Complainant's MOUNJARO Trademark in its entirety combined with the descriptive term "tirzepatida" (the International Nonproprietary Name for the active ingredient) in the Complainant's MOUNJARO product, which does not obviate a finding of confusing similarity.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- there is no evidence that the Respondent is commonly known by the Disputed Domain Name;

- the Respondent is neither using the Disputed Domain Name in connection with a bona fide offering of goods and services nor making a legitimate noncommercial or fair use of the Disputed Domain Name;
- the Respondent has registered and has used the Disputed Domain Name to direct Internet traffic to a website that purports to sell counterfeit Complainant's MOUNJARO (tirzepatida) product without a prescription, all without disclosing the Respondent's lack of a relationship with the Complainant;
- the Respondent's website purports to offer sale of "retatrutide," a next generation medication that has not yet been approved for medical use and is therefore entirely illegal to sell to patients for medicinal purposes;
- the Complainant has not given the Respondent permission, authorization, consent, or license to use its MOUNJARO Trademark in the Disputed Domain Name.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following. The Complainant has extensively marketed its MOUNJARO Trademark product in the United States and other jurisdictions around the world, including Brazil. Prior panels have found that the MOUNJARO Trademark is widely recognized.

The Respondent is purporting to sell the Complainant's products (albeit without the apparent need for a prescription) as well as illegal, investigational medicines not yet approved for public medicinal use, all under the Disputed Domain Name comprised of Complainant's MOUNJARO Trademark accompanied only by a descriptive term. The content of the website associated with the Disputed Domain Name — including prominent use of the Complainant's MOUNJARO Trademark and offers to sell tirzepatide and retatrutide products — misleads users into believing that there is an association between the Complainant and the website, and serves as further evidence of an intentional attempt to attract Internet users to the Disputed Domain Name for commercial gain in bad faith by creating a likelihood of confusion with the MOUNJARO Trademark.

The Complainant further contends that the Respondent has registered the Disputed Domain Name to prevent the Complainant from using its MOUNJARO Trademark in a corresponding domain name, which is evidence of bad faith of use and registration of the Domain Name under Policy paragraph 4(b)(ii).

Lastly, the Respondent's use of the Complainant's MOUNJARO Trademark in the Disputed Domain Name is potentially harmful to the health of many unsuspecting consumers who may purchase products advertised through the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective pharmaceutical products approved by health authorities around the world.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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.

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 Disputed Domain Name completely reproduces the Complainant's MOUNJARO Trademark in combination with the hyphen, descriptive term "tirzepatida" (the International Nonproprietary Name for the active ingredient) and the generic Top-Level Domain (gTLD) ".shop". According to the [WIPO Overview 3.1](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. In this case the addition of the descriptive term "tirzepatida" to the MOUNJARO Trademark does not prevent a finding of confusing similarity in this case.

According to the [WIPO Overview 3.1](#), section 1.11.1, the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Furthermore, the use of hyphen in the Disputed Domain Name is irrelevant in a finding of confusing similarity as the MOUNJARO Trademark is recognizable within the Disputed Domain Name.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's MOUNJARO Trademark pursuant to paragraph 4(a)(i) of the Policy.

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 concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's MOUNJARO Trademark. Moreover, there is no element from which the Panel could infer the Respondent's rights over the Disputed Domain Name, or that the Respondent might be commonly known by the Disputed Domain Name.

Also, in accordance with the [WIPO Overview 3.1](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name, which incorporates the MOUNJARO Trademark in its entirety together with the term “tirzepatida”, the International Nonproprietary Name for the active ingredient in the Complainant’s MOUNJARO medicine, carries a risk of implied affiliation with the Complainant. Moreover, the Respondent’s registration of the Disputed Domain Name incorporating the Complainant’s MOUNJARO Trademark in its entirety, coupled with its previous use for a website purporting to offer the Complainant’s products for sale, demonstrates that the Respondent was well aware of the Complainant, its MOUNJARO Trademark, and its business when registering the Disputed Domain Name. The Panel therefore considers that the Respondent registered the Disputed Domain Name with the intention of creating the impression that it was associated with, affiliated with, or otherwise authorized by the Complainant.

The Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s MOUNJARO Trademark. Rather, the evidence shows that the Disputed Domain Name previously resolved to a website deliberately designed to impersonate the Complainant and mislead Internet users as to the source, sponsorship, affiliation, or endorsement of the website by purporting to offer for sale the Complainant’s MOUNJARO (tirzepatide) product without a prescription, without disclosing the Respondent’s lack of any relationship with, or authorization from, the Complainant. The same website also purported to offer for sale “retatrutide”, a next-generation investigational drug that has not yet been approved for medical use and therefore cannot lawfully be marketed or sold to patients for medicinal purposes. Such use of the Disputed Domain Name cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy.

The Respondent did not file any response to the Complaint and did not participate in these proceedings, as such, the Respondent did not present any evidence supporting any rights or legitimate interests in the Disputed Domain Name.

Accordingly, 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.

The Complainant had obtained the registration of the MOUNJARO Trademark many years earlier than the Respondent registered the Disputed Domain Name. Considering all circumstances of this case, the Panel finds that the Respondent was well aware of the Complainant’s business and its MOUNJARO Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant’s MOUNJARO Trademark. The addition of the International Nonproprietary Name “tirzepatida” that appears to refer to the active ingredient the Complainant uses for its MOUNJARO product, is further evidence, that the Respondent was aware of the Complainant’s MOUNJARO Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant’s MOUNJARO Trademark. Moreover, the fact that the Respondent offered for sale the Complainant’s MOUNJARO products without prescription, further evidences the Respondent’s knowledge of the Complainant, its business, and its rights at the time of registration of the Disputed Domain Name. The Panel considers it is bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant’s MOUNJARO Trademark.

Prior UDRP panels have recognized that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can itself create a presumption of bad faith (see section 3.1.4 of the [WIPO Overview 3.1](#), which states that “the mere registration of a domain

name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith"). The Complainant has filed evidence of the well-known character of its prior MOUNJARO Trademark and it has been stated above that the Disputed Domain Name is confusingly similar to the MOUNJARO Trademark.

Also, in accordance with section 3.1.4 of the [WIPO Overview 3.1](#), panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer, (v) redirecting the domain name to or mimicking the complainant's (or a competitor's) website, and (vi) absence of any conceivable good faith use. In the present case, several circumstances support such a finding. The Disputed Domain Name reproduces the Complainant's MOUNJARO Trademark in its entirety and combines it with the term "tirzepatida", the International Nonproprietary Name for the active ingredient in the Complainant's MOUNJARO medicine, thereby reinforcing the impression of an association with the Complainant and its product. Moreover, the Disputed Domain Name was used for a commercial website purporting to offer the Complainant's MOUNJARO product for sale without a prescription, without disclosing the Respondent's lack of any relationship with, or authorization from, the Complainant. The website also purported to offer for sale "retatrutide", an investigational drug that has not yet been approved for medical use. Taken together, the composition of the Disputed Domain Name and the manner in which it has been used demonstrate that the Respondent sought to capitalize on the reputation of the Complainant's MOUNJARO Trademark by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name and the associated website for the Respondent's commercial gain. Such circumstances support a finding of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel considers that the Respondent's deliberate reproduction of the Complainant's MOUNJARO Trademark, is clear evidence of cybersquatting. By creating the false impression that the Disputed Domain Name and the associated website were operated by or affiliated with the Complainant, the Respondent engaged in the very type of abusive domain name registration that the UDRP is intended to prevent.

In view of the foregoing, the Panel finds that paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name was registered and is being used in bad faith.

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 <mounjaro-tirzepatida.shop> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: September 18, 2026