

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. eddy bradson
Case No. D2026-3659

1. The Parties

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

The Respondent is eddy bradson, United States.

2. The Domain Name and Registrar

The disputed domain name <officialfoundayoshop.com> is registered with Eranet International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 15, 2026. On August 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 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 21, 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 amendment to the Complaint on August 21, 2026.

The Center verified that the Complaint together with the amendment to 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 14, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on September 14, 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, Eli Lilly and Company, is a United States pharmaceutical company whose medicines are marketed globally. The Complaint is based on the Complainant's rights in the trademark FOUNDAYO, used in connection with a prescription medicine containing orforglipron for weight management. The record shows that the Complainant launched the FOUNDAYO product in 2026 and operates an online presence for the product through the domain name <foundayo.com>, which was registered on April 25, 2024.

The Complainant owns multiple trademark registrations for FOUNDAYO in numerous jurisdictions worldwide. The record includes evidence of trademark registrations and a declaration concerning the Complainant's trademark portfolio.

The mark was registered, e.g., in the United Kingdom (Registration No. 00004065649) on September 20, 2024, for pharmaceutical preparations, such as those for the treatment of diseases and disorders including obesity.

The record also contains evidence of public announcements concerning the approval, launch, and marketing of FOUNDAYO. On April 9, 2026, the Complainant announced that FOUNDAYO was available in the United States. Additional evidence demonstrates regulatory approval and public promotion of the product in other jurisdictions worldwide.

The Respondent is an individual who registered the disputed domain name <officialfoundayoshop.com> on April 8, 2026. The disputed domain name resolves to a website prominently using the FOUNDAYO mark and offering purported "Foundayo Weight Loss Pills." The website presents itself as an "Official Foundayo Shop," and claims to ship products internationally.

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 per the below.

The Complainant submits that the disputed domain name incorporates its FOUNDAYO trademark in its entirety and merely adds the terms "official" and "shop," which do not prevent a finding of confusing similarity.

The Complainant further argues that the Respondent is not affiliated with the Complainant, has never been authorized to use the FOUNDAYO mark, and is not commonly known by the disputed domain name.

The Complainant also contends that the Respondent registered and is using the disputed domain name in bad faith. According to the Complainant, the Respondent registered the disputed domain name after the Complainant had established trademark rights in FOUNDAYO, and uses the disputed domain name to attract Internet users by creating a false impression of association with the Complainant and by offering purported FOUNDAYO products through a website styled as an official source.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i), (ii), and (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has demonstrated rights in the trademark FOUNDAYO through the trademark registration evidence submitted with the Complaint. The Panel is satisfied that the Complainant has shown rights in a trademark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.2.1.

The disputed domain name incorporates the FOUNDAYO trademark in its entirety. The addition of the terms "official" and "shop" does not prevent the mark from being clearly recognizable within the disputed domain name. As clarified in [WIPO Overview 3.1](#), sections 1.7 and 1.8, where a trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's FOUNDAYO trademark. The first element of the Policy at paragraph 4(a)(i) has been established.

B. Rights or Legitimate Interests

The Complainant contends that it has not authorized the Respondent to use its FOUNDAYO trademark in the disputed domain name. The Complainant also contends that the Respondent is not using the disputed domain to make a bona fide offering of goods or services because it is purporting to be the Complainant and purporting to offer the same pharmaceutical goods as the Complainant. As recognized in [WIPO Overview 3.1](#), section 2.1, once the Complainant makes out a prima facie case, the burden of evidence production shifts to the Respondent to come forward and rebut the Complainant's prima facie case.

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name. The Respondent in this case is in default, but there still is no evidence in the case record that the Respondent is commonly known by the disputed domain name or is using the disputed domain name for a legitimate noncommercial or fair use. Nor is there evidence of any bona fide offering of goods or services within the meaning of paragraph 4(c) of the Policy.

The evidence instead shows the Respondent's use of the disputed domain name for a website presenting itself as an "Official Foundayo Shop" and offering purported FOUNDAYO products. Panels have consistently found that use of a domain name for passing off cannot confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. Accordingly, the Panel finds that the second element of the Policy at paragraph 4(a)(ii) has been established.

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) lays out four non-exhaustive circumstances under which a respondent may be found to have registered and to be using a disputed domain name in bad faith.

The FOUNDAYO mark is a coined and inherently distinctive term having no apparent descriptive meaning apart from its association with the Complainant and its pharmaceutical product. The record in the present case supports a finding that the Respondent was aware of the Complainant and its FOUNDAYO mark when registering the disputed domain name. The disputed domain name wholly incorporates the Complainant's distinctive mark and was registered after the Complainant's trademark rights had arisen and at approximately the same time that the Complainant launched and publicly promoted the FOUNDAYO pharmaceutical product.

The Respondent has used the disputed domain name for a website identified as an "Official Foundayo Shop" and that offers purported FOUNDAYO products. Such use is calculated to create a likelihood of confusion as to source, sponsorship, affiliation, or endorsement and falls within the bad faith circumstances of paragraph 4(b)(iv) of the Policy.

Panels have further found that the use of a domain name for passing off constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4. In the circumstances of this case, the Panel finds that the disputed domain name was registered and is being used in bad faith. Accordingly, the Panel finds that the third element of the Policy at paragraph 4(a)(iii) has been established.

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 <officialfoundayoshop.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: September 14, 2026