ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Bayer AG v. Andrea Ferraro
Case No. D2026-4003

1. The Parties

The Complainant is Bayer AG, Germany, represented by pm.legal, Germany.

The Respondent is Andrea Ferraro, United States of America (or "United States").

2. The Domain Name and Registrar

The disputed domain name <bayerinc.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 7, 2026. On September 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 September 14, 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 September 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 13, 2026.

The Center appointed Catherine Slater as the sole panelist in this matter on October 21, 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 a global enterprise with interests in healthcare, nutrition, and plant protection and which has its headquarters in Leverkusen, Germany. The Complainant's stock is included in major share indices, traded on all German stock exchanges and included in the DAX 40, a Blue-Chip stock market index consisting of the 40 major German companies trading on the Frankfurt Stock Exchange.

The Complainant has more than 89,000 employees worldwide and does business in 80 countries on all five continents. It manufactures and sells products including human pharmaceutical and medical care products, diagnostic products, and agricultural chemicals.

The Complainant owns the following trademark registrations:

- International Trademark No. 1462909 for BAYER (plain word) registered on November 28, 2018; and
- International Trademark No. 1476082 for BAYER (plain word) registered on December 10, 2018.

The Complainant operates websites located at domain names including <bayer.com>, <bayer.co.nz>, and <bayer.be>.

The disputed domain name was registered on June 5, 2023.

At the time of filing the Complaint, the disputed domain name pointed to a parking page upon which was displayed a link stating, in German "Buy This Domain". At the date of this Decision, the disputed domain name points to a similar webpage upon which the link states, in English, "Get This Domain". Clicking on the link takes an Internet user to a webpage which states that the disputed domain name is taken but that, "We might be able to help you get it" and invites the hiring of a broker.

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 its BAYER trade mark because it consists of that trademark together with the term "inc" which is an abbreviation for "incorporated" and is used in business names (primarily in the United States and Canada) to indicate that a business is registered as a legal corporation. The Complainant further contends that such combination of terms will confuse Internet users as referring to the Complainant's Canadian subsidiary "Bayer, Inc".

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant has not licenced or otherwise permitted the Respondent to use its trademark or to apply for any domain name incorporating its trademark, there is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name (or a name corresponding to the disputed domain name) in connection with a bona fide offering of goods or services and there is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name or that it is commonly known by the disputed domain name.

The Complainant further contends that the disputed domain name was registered in bad faith because it is inconceivable that the Respondent registered it being unaware of the Complainant or its rights in the highly distinctive and well-known BAYER mark and the disputed domain name could not be legitimately chosen except to create an impression of an association with the Complainant. The Complainant further contends that the disputed domain name has been used in bad faith because its offer for sale indicates that the disputed domain name has primarily been registered contrary to paragraph 4(b)(i) of the Policy, passive holding of the disputed domain name does not preclude a finding of bad faith, the registration prevents the

Complainant reflecting its trademark in a corresponding domain name, the use of the disputed domain name by an entity with no connection to the Complainant demonstrates opportunistic bad faith, the use of the disputed domain name is calculated to disrupt the Complainant's business by diverting Internet users from the Complainant's website and the registration constitutes an abusive threat hanging over the Complainant.

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 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, "inc", 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.

Furthermore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. WIPO Overview 3.1, section 2.5.1.

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.

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.

In order to demonstrate that the disputed domain name was registered in bad faith, the Complainant must show that the Respondent knew, or should have known, of its trademark and registered the disputed domain name with the intention of taking unfair advantage of it. Taking into account the evidence submitted, the Panel finds that the Complainant's trademark is indeed well-known. Given that finding and together with the fact that the disputed domain name reproduces the Complainant's trademark identically with the addition of a mere corporate structure indication (which also matches one of the Complainant's subsidiary's names) and also that the Respondent has provided no explanation for its selection of the disputed domain name, the Panel infers that the Respondent registered the disputed domain name with the Complainant's trademark in mind and also that it did so with the intention of taking unfair commercial advantage of that trademark.

In making this finding, the Panel has also taken into account that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

In all the circumstances, the Panel finds it impossible to conceive of any use that the Respondent could make of the disputed domain name without misrepresenting to Internet users that the disputed domain name is owned or operated by, or otherwise commercially affiliated with, the Complainant. The Panel therefore infers that the Respondent has maintained the disputed domain name for the purpose of taking unfair commercial advantage of the Complainant's goodwill in its trademark. The Panel notes that the disputed domain name resolves to a parking page displaying a link inviting Internet users to enquire about acquiring it.

Taken together with the circumstances of this case, this supports the inference that the Respondent has indeed sought that unfair commercial advantage. In any event, even the passive holding of the disputed domain name would not preclude a finding of bad faith. Relevant factors in this regard include the well-known nature of the Complainant's trademark, the failure of the Respondent to provide any evidence of any actual or contemplated good faith use and the implausibility of any good faith use to which the disputed domain name could be put taking into account the composition of the disputed domain name. WIPO Overview 3.1, section 3.3.

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 <bayerinc.com> be transferred to the Complainant.

/Catherine Slater/
Catherine Slater
Sole Panelist
Date: November 4, 2026