ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Eli Lilly and Company v. Yuuichi Yoshida, Yoshida Yuuichi
Case No. D2026-4028

1. The Parties

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

The Respondent is Yuuichi Yoshida, Yoshida Yuuichi, Japan.

2. The Domain Name and Registrar

The disputed domain name <mounjaro-ozempic.online> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 8, 2026. On September 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 10, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 in English on September 11, 2026.

On September 10, 2026, the Center informed the Parties in Japanese and English, that the language of the Registration Agreement for the disputed domain name is Japanese. On September 11, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Japanese and English of the Complaint, and the proceedings commenced on September 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 5, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on October 8, 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 multinational pharmaceutical company.

The Complainant is the registered proprietor of the trademark MOUNJARO registered in the United States (Registration No. 6,809,369) registered since August 2, 2022, for pharmaceutical preparations for the treatment of diabetes.

The Complainant has obtained at least 143 registrations for the MOUNJARO mark (or its foreign language equivalents) in 91 jurisdictions around the world.

The U.S. Food and Drug Administration ("FDA") announced its approval of the medication Tirzepatide under the brand name MOUNJARO for use in connection with injectable pharmaceutical products for the treatment of type 2 diabetes on May 13, 2022. The Complainant launched the product in June 2022, and by the end of 2022, the product produced nearly USD 280 million (USD 280,000,000.00) in revenue. In 2025 sales were in excess of USD 22 billion.

The Respondent is an individual apparently based in Japan.

The disputed domain name was registered on September 19, 2025. The disputed domain name has redirected to a number of third-party websites, including websites that promote the Complainant's MOUNJARO branded product alongside competing third-party GLP-1 medications, such as competing compounded tirzepatide products as well as Ozempic®, Wegovy®, and Saxenda® pharmaceuticals manufactured by Novo Nordisk, which are marketed and directly compete against the Complainant's MOUNJARO branded product.

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:

(a) that the disputed domain name is confusingly similar to the Complainant's MOUNJARO mark because it incorporates the same in its entirety. Besides the third-party trademark "ozempic" and the generic Top-Level Domain ("gTLD") ".online", the disputed domain name consists solely of the Complainant's mark.

(b) The Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. In addition, the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent cannot rely on the principles set out in *Oki Data Americas, Inc v. ASD, Inc*, WIPO Case No. D2001-0903 relating to the sale of genuine products of a trademark owner, because the Respondent does not satisfy the applicable requirements.

(c) Bad faith is established when a domain name is registered to utilize another's well-known trademark for attracting Internet users to a website for commercial gain. In addition, the Respondent was found in bad faith in another UDRP proceeding, i.e., *Groupe La Centrale v. Yuuichi Yoshida*, WIPO Case No. D2026-2671.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Japanese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) the Respondent appears to have sufficient knowledge of the English language, because the websites associated with the disputed domain name are provided entirely in English; (ii) the Complainant, and likely the Respondent, would incur significant expense prosecuting the matter in Japanese (a language with which they are not familiar); and (iii) the proceedings would be significantly delayed.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 mark is fully incorporated within the disputed domain name, and the addition of other third-party marks, here, "ozempic", is insufficient in itself to avoid a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.12.

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 Respondent appears to offer for sale the Complainant's products on third-party websites to which the disputed domain name redirects. Panels have recognized that resellers using a domain name containing the complainant's trademark to undertake sales related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. As set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, the Panel in that case held that to be "bona fide" within the meaning of paragraph 4(c)(i) of the Policy, the offering should meet the following requirements:

- The respondent must actually be offering the goods or services at issue;

- The respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;

- The site must accurately disclose the registrant's relationship with the trademark owners; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site; and

- The respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case, the Respondent does not meet, at least, the third requirement set out above. Not all of the websites to which the disputed domain name redirects accurately and prominently disclose the Respondent's relationship with the Complainant. Moreover, the disputed domain name redirects to various third-party websites that also purportedly sell pharmaceuticals of third parties.

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.

Panels have held that the use of a domain name for illegitimate activity, such as, in this case, the sale of purportedly unlicensed pharmaceuticals can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

Under paragraph 4(b)(iv) of the Policy, evidence of bad faith registration and use may be found where a domain name is registered to utilize another's well-known trademark for attracting Internet users to a website for commercial gain. The Respondent is using the marks of others in the disputed domain name to drive Internet traffic to various third-party commercial websites, while concealing its identity behind a privacy-shielding service. The disputed domain name redirects to various online weight-loss websites that purportedly sell the Complainant's tirzepatide product alongside other competing third-party products. The Panel finds this is clear bad faith under paragraph 4(b)(iv) of the Policy.

Further, panels have held that the use of a domain name for illegitimate activity, such as, in this case, the sale of purportedly unlicensed pharmaceuticals, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Appropriate Remedy

The Complainant requests the disputed domain name be transferred to the Complainant.

The disputed domain name incorporates the registered trademark Ozempic which is owned by a competitor of the Complainant, Novo Nordisk. No authorization has been produced from Novo Nordisk addressed to the Complainant permitting it to hold a domain name incorporating Novo Nordisk's registered trademark.

The Panel has considered whether cancellation would be an appropriate remedy but notes that the Complainant has requested transfer of the disputed domain name. Moreover, if the disputed domain name were cancelled, it would become available for registration and possible misuse.

The Panel has therefore determined to order a transfer. This order is without prejudice to any third party's rights in the part of the disputed domain name.

8. 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-ozempic.online> be transferred to the Complainant.

/Douglas Clark/
Douglas Clark
Sole Panelist
Date: November 3, 2026