

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Rita Lessa
Case No. D2026-4162

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 Rita Lessa, Brazil.

2. The Domain Name and Registrar

The disputed domain name <mounjarobr.net> is registered with Wix.com Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2026. On September 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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 sent an email communication to the Complainant on September 18, 2026, providing the additional registrant and contact information disclosed by the Registrar.

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 September 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 12, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on October 12, 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 describes itself as a research and development (R & D) Biopharma company. One of its products is marketed under the brand name MOUNJARO. This product is based on tirzepatide. MOUNJARO is an injectable drug which is available only on prescription for the control of type 2 diabetes. The drug was first approved for such use by the United States Food and Drug Administration (FDA) on May 13, 2022. It has since become available around the world, having been approved for such use by the regulators in at least 61 other countries. In addition, media reports acknowledge that MOUNJARO is widely used for weight loss.

The Complainant registered the domain name <mounjaro.com> on October 21, 2019. This domain name redirects to the Complainant's webpage at "www.mounjaro.lilly.com", which the Complainant has used to advertise and promote the product since May 17, 2022.

The Complainant launched the product itself under the MOUNJARO brand in June 2022.

By the end of 2022, sales had almost reached USD 280 million. Sales thereafter continued at a dramatic rate. The Complainant achieved revenues from sales:

- in the 2023 financial year, of USD 5.1 billion;
- in the 2024 financial year, of USD 11.5 billion; and
- in the 2025 financial year, of USD 22.965 billion.

The Complainant filed its first trademark application for MOUNJARO in the United States on November 5, 2019, which, on August 2, 2022, was registered in the Principal Register in respect of pharmaceutical preparations for the treatment of diabetes in International Class 5: United States Registered Trademark No. 6,809,369. According to the Complaint, the Complainant has 143 registered trademarks in 91 countries for MOUNJARO (or its foreign language equivalents). In addition to the United States registered trademark, the registrations included in the Complaint include:

- European Union Registered Trademark (EUTM) No. 018209187, which was entered on the Register on September 8, 2020, in respect of pharmaceutical preparations for the treatment of a range of conditions;
- Chinese Registered Trademark No. 44906078, which is registered from November 21, 2020, in respect of a similar range of goods.

The Complaint includes details of numerous other registered trademarks around the world. The copy of *Eli Lilly and Company v Arthur Silva* WIPO Case No. [D2024-5192](#) included in the Complaint also records that the Complainant owns Brazilian Registered Trademark No. 919475787, MOUNJARO, which was registered on November 24, 2020, in Class 5 for the relevant goods and which, according to the Global Brand Database, continues to be registered in the Complainant's name.¹

The Complaint also includes evidence that the Complainant owns registered trademarks for the device:



¹ Panel's own independent research undertaken pursuant to paragraph 10 of the Rules: WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.7.

An example is United States Registered Trademark No. 6,835,474 which has been registered in the Principal Register in respect of goods and services in International Classes 5 and 44 since August 30, 2022.

According to the Whois report, the disputed domain name was registered on October 8, 2025.

It resolves to a website which displays both the Complainant's device trademark and the MOUNJARO trademark. The website appears to offer for sale MOUNJARO products under the exhortation (in translation from the Portuguese) "Lose up to 5 kilos in a week". Immediately below this is a "SEND MESSAGE" ("ENVIAR MENSAGEM") button which opens a WhatsApp conversation with the telephone number displayed on the website. There are then three testimonials and two "before/after" photographs. Under the heading "Our Products", there is also a photograph of a box bearing the Complainant's trademark which contains a four-pack of 2.5mg / 0.5mL single dose injection pens. Underneath the photograph follows the offer:

"Mounjaro 5ml"

"R\$390.00"

"+Add to Cart"

There is a second "Add to Cart" button to the right of the "Add to Cart" button above. If there is a product description and price above the second "Add to Cart" button, it is obscured by one of the "Before/After" photographs.

The website also displays what appears to be a telephone number and "mounjaro.br.net", but no other contact information and a copyright notice "© 2035 [sic] by mounjarobr Powered and secured by Wix". The Complaint also includes printouts of the Terms & Conditions and Shipping Policy pages which appear merely to be placeholder text provided by Wix, the site host, with instructions about matters to include in such pages.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or her case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of registered trademarks for MOUNJARO.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.1](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.1](#), section 1.11.

Disregarding the ".net" gTLD, the disputed domain name consists of the Complainant's registered trademark and the term "br". As the Complainant points out, this is the country code designation for "Brazil" and, on a website in Portuguese with pricing displayed in Brazilian currency, likely to be understood as such. As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.1](#), section 1.8. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [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; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is 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 trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 registered the disputed domain name after the Complainant began using the trademark and also after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent’s name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The use of the disputed domain name to offer products for sale under a corresponding trademark does not qualify as a legitimate noncommercial use for the purposes of paragraph 4(c)(iii) of the Policy.

Further, it appears that the drugs are being offered for sale (if they are being offered for sale) without a prescription. The Complainant’s products are authorised for sale, however, only through prescription. This leads the Complainant to contend that, if the Respondent is in fact offering the drugs for sale, they are unauthorised or diverted products. Further, the Complainant contends this conduct does not qualify as a good faith offering of goods or services for the purposes of paragraph 4(c)(i) as it fails to satisfy the requirements set out in *Ok! Data Americas, Inc v. ASD, Inc*, WIPO Case No. [D2001-0903](#). That is:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

The Complainant points out that prior panels, including one case involving the Complainant, have held that the sale of product through unauthorised channels does not equate to a good faith offer for the purposes of the first *Ok! Data* requirement. For example, *Eli Lilly and Company v. Abdul Rauf Raza*, WIPO Case No. [D2023-4937](#).

The *Abdul Rauf Raza* case, above, has some additional features leading to the finding of no rights or legitimate interests. In particular, the panel had evidence that the products being advertised were not approved for sale in Mexico and that auto-injector pens were not legally available in the United Kingdom – which were the two particular countries singled out on that respondent’s website.

While the Panel is not convinced that all sales through unauthorised channels would necessarily fail to qualify as a good faith offering for the purposes of this requirement of the Policy, these are medical products which the Complainant makes available only on prescription. It is not clear from the Complaint that the sale of the drugs without a prescription in Brazil would be illegal. Nonetheless, the fact that the products are drugs which may have potentially harmful side effects means medical considerations require additional caution.

In any event, as in the *Abdul Rauf Raza* case, above, the Respondent's website fails to disclose the nature of the website's relationship with the Complainant or, importantly, the complete lack of any such relationship or any information about the source of the products being offered. On the other hand, the "About Us" page affirmatively represents that the operator is a team of "qualified professionals" specialising in nutrition for metabolic health, which compounds the appearance of authenticity rather than cures the non-disclosure. Accordingly, at least the third *Ok! Data* criterion is not satisfied. Moreover, the failure to satisfy that criterion is not a failure in a merely technical or minor or insignificant matter.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Panel readily draws that inference in this case. First, the term MOUNJARO is an invented or coined term. There is nothing before the Panel to show that the term has any derivation or other connection with the Respondent independently of its significance as the Complainant's trademark. Secondly, the trademark is very well-known and has a very substantial reputation arising from its very substantial sales over a number of years now.

Given the distinctiveness of MOUNJARO as an invented or coined term and the proximity of the manner of the Respondent's use to the registration of the disputed domain name, the Panel readily infers that the disputed domain name was registered for the purpose of using it in the way the Respondent has used it.

The manner of use is plainly designed to attract users to the Respondent's website in the expectation of attracting customers seeking the Complainant's authorised or genuine products. As already noted, however, the nature of the Respondent's relationship with the Complainant (that is, the lack of any connection) is not clearly disclosed. The risk of deception is compounded by the implied affiliation arising from the use of the Complainant's trademark with an obvious abbreviation for "Brazil" suggesting that the website is an official Brazilian website of the Complainant. The risk of deception and misrepresentation is further aggravated by the Respondent offering to sell the prescription only products without requiring a prescription.

As the Complainant points out, such sales could have potentially harmful health effects by circumventing the safety measure of requiring a user to have a prescription.

As the term MOUNJARO in particular is an invented or coined term and not descriptive, therefore, it appears that the Respondent has adopted the disputed domain name because of its trademark significance. The circumstances indicate that the Respondent has registered and is using the disputed domain name intentionally to attract users to the website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or of the products offered on it. In these circumstances and where the Respondent has not sought to claim, let alone establish, that he or she has rights or legitimate interests in the disputed domain name, therefore, the Panel finds the Respondent has registered and used it in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

6. 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 <mounjarobr.net> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: October 13, 2026