ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Bayer AG v. Barbara Jones, Bayer
Case No. D2026-4492

1. The Parties

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

The Respondent is Barbara Jones, Bayer, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <bayerrecruiter.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 5, 2026. On October 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 5, 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 October 6, 2026, providing the registrant and contact information disclosed by the Registrar, and informing the Complainant the Center will proceed with the formal commencement of the administrative proceeding by October 8, 2026.

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 October 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 2, 2026.

The Center appointed Levan Nanobashvili as the sole panelist in this matter on November 6, 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 operating in healthcare, nutrition, and plant protection sectors. Founded in Germany in 1863, the Complainant has continuously used the BAYER mark since 1888 in connection with the production and marketing of pharmaceutical products. Today, the Complainant's group encompasses over 350 companies across 80 countries and employs over 89,000 people worldwide.

The Complainant owns numerous trademark registrations worldwide for BAYER, including the following:

1) German trademark BAYER, registration No. 1026407, registered on December 7, 1981, duly renewed, in International Class 41;

2) International Trademark BAYER, registration No. 1462909, registered on November 28, 2018, in International Classes 1, 3, 5, 9, 10, 31, 35, 41, 42, and 44, designating multiple jurisdictions; and

3) International Trademark BAYER, registration No. 1476082, registered on December 10, 2018, in International Classes 7, 8, 11, 16, 20, 24, 25, 28, 30, 32, 37, 38, 39, 40, 43, and 45, designating multiple jurisdictions.

The Complainant holds numerous domain names incorporating the BAYER trademark, including <bayer.com>, <bayer.co.nz>, and <bayer.com.au>.

The Respondent is reportedly residing in Nigeria.

The disputed domain name was registered on August 21, 2026. At the time of filing the Complaint and as of the date of this Decision, the disputed domain name resolves to a website displaying an "under construction" notice. The disputed domain name was also used to send emails impersonating the Complainant and using its BAYER trademark in connection with a fraudulent job offer.

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:

(i) it is a globally recognized brand in the fields of healthcare, nutrition, and plant protection;

(ii) it has approximately 700 registrations and pending applications for the BAYER mark worldwide;

(iii) together with its subsidiaries, it holds hundreds of domain names incorporating the BAYER mark;

(iv) numerous UDRP panels have recognized the well-known status of the BAYER mark;

(v) the disputed domain name is not used in connection with an active website;

(vi) it became aware that the disputed domain name was used to issue the fake job offer in the Complainant's name;

(vii) the disputed domain name incorporates the BAYER mark in its entirety;

(viii) the addition of the term "recruiter" in the disputed domain name does not prevent a finding of confusing similarity, but rather increases the likelihood of Internet user confusion;

(ix) the BAYER mark is associated exclusively with the Complainant and its products;

(x) it has not licensed, authorized, or otherwise permitted the Respondent to use the BAYER mark;

(xi) the Respondent registered and is using the disputed domain name in bad faith;

(xii) the Respondent's use of the disputed domain name to conduct a scam is inherently incapable of constituting a bona fide offering of goods or services under the Policy;

(xiii) BAYER is not a term that a registrant would legitimately choose, except to create an impression of association with the Complainant;

(xiv) it is inconceivable that the Respondent registered the disputed domain name unaware of the Complainant and its rights in the BAYER mark; and

(xv) the Respondent's registration of the disputed domain name prevents the Complainant from reflecting its mark in a corresponding domain name.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the 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 has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant. However, paragraph 5(f) of the Rules provides that if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel shall draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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, in the present case, the word "recruiter", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 addition of the generic Top-Level Domain ".com" is a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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.

The Respondent provided no evidence that it has been commonly known by the disputed domain name, or has made a legitimate noncommercial use thereof. The Respondent has not rebutted the Complainant's contention that it has not authorized the Respondent to use the Complainant's mark, or that there is no relationship between them that could justify the Respondent's use of the Complainant's mark in the disputed domain name.

The Panel finds that the composition of the disputed domain name, which combines the Complainant's mark and the word "recruiter", carries a risk of implied affiliation. Such a combination is likely to lead Internet users to believe that the disputed domain name is owned, sponsored, or endorsed by the Complainant. WIPO Overview 3.1, section 2.5.1.

The evidence on file demonstrates that the disputed domain name has been used fraudulently to issue a fake job offer impersonating the Complainant and using its BAYER trademark. Panels have held that the use of a domain name for illegitimate activity, in the present case, sending fraudulent emails impersonating the Complainant, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. See also *Beiersdorf AG v. PrivacyGuardian.org / Edward Peter Inc.*, WIPO Case No. D2019- 0149: "[t]he Domain Name has been used in an attempted fraudulent e-mail scheme designed to be deceptive and confusing and an impersonation by the Respondent of the Complainant. As such it cannot amount to a bona fide offering of goods and services or a legitimate noncommercial or fair use", and *Raizen S.A. v. Contact Privacy Inc. Customer 12411875385 / Raizen Energia and Contact Privacy Inc. Customer 12410336444 / Carlos Vanea*, WIPO Case No. D2022-0752: "[i]n particular, the Disputed Domain Names are being used for fraudulent commercial emails, which excludes any noncommercial and fair use of the Disputed Domain Names from the outset."

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.

A significant number of panels have consistently found that the Complainant's BAYER mark is widely known. See *Bayer AG v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Andrew Evera*, WIPO Case No. D2022-0514: "[t]he Respondent must have been aware of the Complainant's trademark as BAYER is a well-known trademark."; *Bayer AG v. Ruud van der Linden*, WIPO Case No. D2017-0328: "[t]he Complainant has established that it has rights in the trademark BAYER. The trademark is well-known."; and *Bayer AG v. huang cheng*, WIPO Case No. D2015-1932: "[t]he Panel agrees that the BAYER mark is well-known and it would indeed be very difficult, generally speaking, for one to disclaim knowledge of the Complainant and/or of its trade mark."

Panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity, in the present case, sending fraudulent emails impersonating the Complainant, constitutes bad faith. WIPO Overview 3.1, section 3.4. See also *Kimley-Horn and Associates, Inc. v. Victorialad Gabriella, lovey nolove, KimleyHorn, Name Redacted, Kimley Horn,* WIPO Case No. D2025-5332: "Complainant has alleged and provided evidence that Respondent used the disputed domain name <…> to send fraudulent emails to individuals interested in employment with Complainant, which amounts to bad faith use on the part of Respondent", and *Beiersdorf AG v. PrivacyGuardian.org / Edward Peter Inc.*, WIPO Case No. D2019-0149: "[i]mpersonating a complainant by use of the complainant's mark in an attempted fraudulent e-mail scam is disruptive and the fraudulent e-mail scam attempt is confusing in that recipients of any such mails would reasonably believe those e-mails are connected to or approved by the Complainant […]. This mimicking by the Respondent of the Complainant shows that the Respondent was aware of the Complainant and its business and rights and constitutes impersonation."

The Panel finds the Respondent knew of the Complainant and its trademark rights when registering the disputed domain name, as evidenced by the inclusion of the mark in the fraudulent emails.

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 <bayerrecruiter.com> be transferred to the Complainant.

/Levan Nanobashvili/
Levan Nanobashvili
Sole Panelist
Date: November 11, 2026