

ADMINISTRATIVE PANEL DECISION

Nobel Biocare Services AG v. Noble May Business Sales Pty Limited,
George Noble May
Case No. DAU2025-0024

1. The Parties

The Complainant is Nobel Biocare Services AG, Switzerland, represented by Zacco Sweden AB, Sweden.

The Respondents are Noble May Business Sales Pty Limited, Australia, and George Noble May, Australia.

2. The Domain Names and Registrar

The disputed domain names <allon4bondi.com.au>, <allon4brisbane.com.au>, <allon4centralcoast.com.au>, <allon4dentist.com.au>, <allon4dentistin.com.au>, <allon4dentistkingsgrove.com.au>, <allon4dentistmelbourne.com.au>, <allon4dentists.com.au>, <allon4dentistsydney.com.au>, <allon4dentistsydney.com.au>, <allon4implantdentist.com.au>, <allon4implantsin.com.au>, <allon4implantsnearme.com.au>, <allon4implantssydney.com.au>, <allon4implantstownsville.com.au>, <allon4nearme.com.au>, <allon4newfarm.com.au>, <allon4prahran.com.au>, <allon4rockhampton.com.au>, <allon4subiaco.com.au>, <allon4sunshinecoast.com.au>, <allon4townsville.com.au>, <bondijunctionallon4implants.com.au>, <brisbaneallon4.com.au>, <dentistallon4.com.au>, <dentistallon4implants.com.au>, <dentistsallon4.com.au>, <melbourneallon4.com.au>, <perthallon4implants.com.au>, <southportallon4.com.au>, <sydneyallon4dentists.com.au>, <toorakallon4dentists.com.au> and <woollahraallon4implants.com.au> are registered with Domain Directors Pty Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2025. On June 25, 2025, the Center transmitted by email to Domain Directors Pty Ltd. a request for registrar verification in connection with the disputed domain names. On August 27, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondents are listed as the registrants and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondents of the Complaint, and the proceeding commenced on September 12, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 2, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 7, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on October 16, 2025. 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

A. Complainant

The Complainant is a Swiss company founded in 1981 and a leading operator in the field of dental implantology and implant-based dental restoration, operating under the trade mark ALL-ON-4 (the "Trade Mark").

The Complainant is the owner of registrations in jurisdictions worldwide for the Trade Mark, including three registrations in Australia: registration No. 1360901, with a registration dated of August 26, 2009; registration No. 1950202, with a registration date of June 26, 2018; and registration No. 2142441, with a registration date of December 10, 2020.

B. Respondent

The First Respondent is apparently a company incorporated in Australia.

The Second Respondent is apparently an individual located in Australia.

C. The Disputed Domain Names

The disputed domain name <allon4bondi.com.au> was registered on April 25, 2024.

The disputed domain name <allon4brisbane.com.au> was registered on January 29, 2023.

The disputed domain names <allon4centralcoast.com.au>, <allon4implantsnearme.com.au>, <allon4dentistin.com.au>, <allon4implantdentist.com.au>, <allon4sunshinecoast.com.au>, <brisbaneallon4.com.au>, <toorakallon4dentists.com.au>, and <dentistallon4implants.com.au> were registered on February 21, 2025.

The disputed domain names <allon4dentist.com.au>, <allon4nearme.com.au>, <allon4implantssydney.com.au>, and <perthallon4implants.com.au> were registered on May 15, 2024.

The disputed domain name <allon4dentistkingsgrove.com.au> was registered on January 7, 2025.

The disputed domain names <allon4dentistmelbourne.com.au>, <allon4dentistsydney.com.au> and <melbourneallon4.com.au> were registered on December 27, 2019.

The disputed domain names <allon4dentists.com.au> and <allon4implantstownsville.com.au> were registered on December 16, 2023.

The disputed domain name <allon4dentistssydney.com.au> was registered on December 28, 2019.

The disputed domain name <allon4implantsin.com.au> was registered on December 12, 2023.

The disputed domain name <allon4newfarm.com.au> was registered on June 6, 2024.

The disputed domain name <allon4prahran.com.au> was registered on January 6, 2020.

The disputed domain name <allon4rockhampton.com.au> was registered on January 12, 2025.

The disputed domain name <allon4subiaco.com.au> was registered on January 9, 2025.

The disputed domain name <allon4townsville.com.au> was registered on December 24, 2019.

The disputed domain name <bondijunctionallon4implants.com.au> was registered on April 25, 2024.

The disputed domain names <dentistallon4.com.au> and <dentistsallon4.com.au> were registered on February 7, 2023.

The disputed domain name <southportallon4.com.au> was registered on December 11, 2023.

The disputed domain name <sydneyallon4dentists.com.au> was registered on May 28, 2024.

The disputed domain name <woollahraallon4implants.com.au> was registered on January 11, 2025.

D. Use of the Disputed Domain Names

The disputed domain names <allon4bondi.com.au>, <allon4brisbane.com.au>, <allon4centralcoast.com.au>, <allon4dentist.com.au>, <allon4dentistin.com.au>, <allon4dentistmelbourne.com.au>, <allon4dentists.com.au>, <allon4dentistssydney.com.au>, <allon4dentistsydney.com.au>, <allon4implantdentist.com.au>, <allon4implantsin.com.au>, <allon4implantsnearme.com.au>, <allon4implantssydney.com.au>, <allon4nearme.com.au>, <allon4newfarm.com.au>, <allon4subiaco.com.au>, <allon4sunshinecoast.com.au>, <brisbaneallon4.com.au>, <dentistallon4.com.au>, <dentistallon4implants.com.au>, <dentistsallon4.com.au>, <melbourneallon4.com.au>, <perthallon4implants.com.au>, <southportallon4.com.au>, and <sydneyallon4dentists.com.au> are all resolved to the commercial dentistry website “www.australiandentists.com.au”.

The disputed domain names <allon4implantstownsville.com.au>, <allon4prahran.com.au>, and <allon4rockhampton.com.au> are resolved to websites promoting dentistry practices.

The disputed domain name <allon4dentistkingsgrove.com.au> is resolved to the commercial dentistry website “www.leadingedgedental.com.au”.

The disputed domain names <bondijunctionallon4implants.com.au> and <woollahraallon4implants.com.au> are used in respect of a parking page with sponsored pay-per-click links.

The disputed domain names <allon4dentistsin.com.au> and <toorakallon4dentists.com.au> have not been used in respect of an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to the Trade Mark, the Respondents have no rights or legitimate interests in respect of the disputed domain names, and the disputed domain names have been registered or subsequently used in bad faith.

Notably, the Complainant contends that the Respondents have, without authorisation or approval from the Complainant, registered and used the disputed domain names in order to generate commercial income through (1) promoting third party dentistry practices and websites; and (2) gaining pay-per-click revenue through sponsored links.

The Complainant contends that such conduct does not give rise to any rights or legitimate interests, and constitutes bad faith registration or use, for the purposes of the Policy.

B. Respondents

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

In his response¹ to the cease and desist letter sent by the Complainant's Australian legal representatives to the First Respondent, the Second Respondent claimed that (1) he had never heard of the Complainant and he did not know that the Complainant owned the Trade Mark; (2) he thought the Trade Mark was a generic dental term; and (3) the Respondents had, over the past 15 years, put a huge amount of work and investment into developing the Respondents' system to secure enquiries for the Respondents' dentist clients.

6. Discussion and Findings

A. Consolidation: Multiple Respondents

The Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are related to each other, and the disputed domain names are under common control. The Complainant requests the consolidation of the Complaint against the disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 4.11.5.²

As regards common control, the Panel notes that:

- (i) All of the disputed domain names are registered with the same registrant e-mail address;
- (ii) All of the disputed domain names are registered through the same registrar;
- (iii) All of the disputed domain names are registered with the same name servers;
- (iv) All of the disputed domain names incorporate the Trade Mark;
- (v) A majority of the disputed domain names host identical or similar websites, regardless of the nominal registrant; and
- (vi) The Complainant addressed a cease and desist letter to the First Respondent, and purportedly received a reply from the Second Respondent.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

¹ The Panel notes that this response is undated and sent from "George". Although it is not clear this response is from the Second Respondent, the Second Respondent has not denied writing the response.

²The format of auDRP Overview 2.0 is based on the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.2 Substantive Issues

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

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 Trade Mark and the disputed domain names.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy.

The entirety of the mark (except the hyphens) is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy.

Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy.

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 non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to the respondent of the subject matter of the dispute, the respondent’s bona fide use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with an 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 trade mark 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 trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain names or to use the Trade Mark. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that it has acquired any trade mark rights in respect of the disputed domain names or that the disputed domain names have been used in connection with a bona fide offering of goods or services. To the contrary, the majority of the disputed domain names have been used to generate commercial revenue, in respect of the promotion of third party dentistry practices or websites, without the authorisation or approval of the Complainant.

There has also been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name; and there has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

In light of the above uncontested matters, the Panel finds that the Respondent has failed to produce any evidence to establish genuine rights or legitimate interests in the disputed domain names.

The Panel finds the second element of the Policy has been established.

C. Registered or Used in Bad Faith

Given (i) the reputation of the Complainant and of its Trade Mark in the field of dentistry; and (ii) the manner of use of the majority of the disputed domain names in respect of the promotion of third party dentistry practices or websites, the Panel finds it is inconceivable that the Respondent was unaware of the Complainant's Trade Mark when it registered the disputed domain names.³

The evidence suggests that the Respondent has targeted the Complainant in registering the disputed domain names; and that there cannot be any actual or contemplated good faith use of the inherently misleading disputed domain names by the Respondent noting the Trade Mark and the Respondent's operation in the same industry.

Furthermore, in all the circumstances, the Respondent's non-use or passive holding of the disputed domain names <allon4dentistsin.com.au> and <toorakallon4dentists.com.au> does not prevent a finding of bad faith under the Policy.⁴

Accordingly, the Panel finds that the requisite element of bad faith has been made out.

The Panel finds the third element of the Policy 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 names <allon4bondi.com.au>, <allon4brisbane.com.au>, <allon4centralcoast.com.au>, <allon4dentist.com.au>, <allon4dentistin.com.au>, <allon4dentistkingsgrove.com.au>, <allon4dentistmelbourne.com.au>, <allon4dentists.com.au>, <allon4dentistssydney.com.au>, <allon4dentistsydney.com.au>, <allon4implantdentist.com.au>, <allon4implantsin.com.au>, <allon4implantsnearme.com.au>, <allon4implantssydney.com.au>, <allon4implantstownsville.com.au>, <allon4nearme.com.au>, <allon4newfarm.com.au>, <allon4prahran.com.au>, <allon4rockhampton.com.au>, <allon4subiaco.com.au>, <allon4sunshinecoast.com.au>, <allon4townsville.com.au>, <bondijunctionallon4implants.com.au>, <brisbaneallon4.com.au>, <dentistallon4.com.au>, <dentistallon4implants.com.au>, <dentistsallon4.com.au>, <melbourneallon4.com.au>, <perthallon4implants.com.au>, <southportallon4.com.au>, <sydneyallon4dentists.com.au>, <toorakallon4dentists.com.au>, and <woollahraallon4implants.com.au> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: October 30, 2025

³The Panel notes the Respondents' denial of knowledge of the Trade Mark in its response to the Complainant's cease and desist letter, a denial the Panel does not find credible in all the circumstances.

⁴auDRP Overview 2.0, Section 3.3.