

ADMINISTRATIVE PANEL DECISION

Teva Respiratory, LLC v. Qingqing Yu
Case No. DCO2025-0066

1. The Parties

The Complainant is Teva Respiratory, LLC, United States of America (“US”), represented by SILKA AB, Sweden.

The Respondent is Qingqing Yu, China.

2. The Domain Name and Registrar

The disputed domain name <proairdigihaler.co> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2025. On August 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 2025, 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 (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 15, 2025, 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 August 18, 2025.

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 of the Complaint, and the proceedings commenced on August 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2025.

The Center appointed Shwetasree Majumder as the sole panelist in this matter on September 12, 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

The Complainant, Teva Respiratory LLC, is an affiliate of Teva Pharmaceutical Industries Ltd., which is a global pharmaceutical company incorporated in Israel in 1944. The Complainant, amongst its pharmaceutical products, markets "ProAir Digihaler", which is a digital inhaler for people with asthma. The Complainant owns several trademark registrations for its marks PROAIR, DIGIHALER, and PROAIR DIGIHALER and details of some of such registrations are as below:

- PROAIR DIGIHALER – US Registration No. 5932346, registered on December 10, 2019, in international class 9.
- DIGIHALER – US Registration No. 6091381, registered on June 30, 2020, in international class 5.
- PROAIR – US Registration No. 4720393, registered on April 14, 2015, in international class 10.

The Complainant's main business website is "www.proair.com", which has been registered since the year 1996.

The disputed domain name <proairdigihaler.co> was registered on July 1, 2025. Presently, the disputed domain name is parked and does not host a website. However, the Respondent has made the disputed domain name available for sale for USD 1,450 via a Registrar service.

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 identical or confusingly similar to the trademarks of the Complainant. The Complainant states that the disputed domain name reproduces the Complainant's trademarks PROAIR DIGIHALER, PROAIR, and DIGIHALER in their entirety.

The Complainant contends that it holds a global portfolio of registered trademarks for PROAIR DIGIHALER, PROAIR, and DIGIHALER and that numerous prior UDRP decisions have recognised the reputation associated with its mark PROAIR. The Complainant lists several registered trademarks from its portfolio to establish its rights in the marks PROAIR DIGIHALER, PROAIR, and DIGIHALER.

The Complainant has highlighted its strong global presence with operations in 57 countries, generating international revenues of USD 16.5 billion and supported by a team of approximately 37,000 employees worldwide.

The Complainant contends that the Respondent has no rights or legitimate interests in respect to the disputed domain name and lacks a bona fide and noncommercial interest in the disputed domain name. The complainant argues that the disputed domain name is identical and confusingly similar to its registered marks PROAIR DIGIHALER, PROAIR, and DIGIHALER and that the disputed domain name wholly incorporates its marks. The Complainant further submits that the Respondent is not commonly known by the term "PROAIRDIGIHALER" and has not been granted any consent, permission, authorisation or acquiescence from the Complainant to use the marks PROAIR DIGIHALER, PROAIR, and DIGIHALER. The Complainant argues that the disputed domain name was registered in bad faith, as it has been put up for sale and

configured with MX records indicating the Respondent's intention to create email addresses such as <[...][@proairdigihaler.co](mailto:proairdigihaler.co)> and use them for illegitimate purposes.

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 trademarks and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is identical and confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 with the second element. [WIPO Overview 3.0](#), 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 Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel is aware that presently the disputed domain name does not have any hosted content. However, the Respondent has made the disputed domain name available for sale for USD 1,450. Moreover, the Panel finds that the disputed domain name is inherently misleading. [WIPO Overview 3.0](#), 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.

In the present case, the Panel notes that the disputed domain name is up for sale for USD 1,450. This clearly shows that the Respondent knowingly registered the disputed domain name with the intention of selling, renting, or otherwise transferring it to the Complainant or to its competitor for valuable consideration in excess of the out-of-pocket costs directly related to the disputed domain name (absent any evidence to the contrary from the Respondent). Moreover, the Panel notes that the Respondent has failed to give any explanation for registering the inherently deceptive disputed domain name, which includes the Complainant's marks PROAIR DIGIHALER, PROAIR, and DIGIHALER.

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 3.0](#), section 3.2.1.

The Panel observes that the Respondent has set up MX records for the disputed domain name, which would allow the creation of email addresses such as <...@proairdigihaler.co>. The presence of MX records gives rise to the possibility that Respondent intended, or intends, to use the disputed domain name to send fraudulent emails as part of a phishing scheme and as such, reinforces the Panel's view of the Respondent's bad faith.

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 <proairdigihaler.co> be transferred to the Complainant.

/Shwetasree Majumder/

Shwetasree Majumder

Sole Panelist

Date: September 23, 2025