

ADMINISTRATIVE PANEL DECISION

Lonza Ltd. v. Shahryar Shadravan
Case No. DIR2022-0020

1. The Parties

The Complainant is Lonza Ltd., Switzerland, represented Greer, Burns & Crain, Ltd., United States of America (“United States”).

The Respondent is Shahryar Shadravan, Iran (Islamic Republic of).

2. The Domain Name and Registrar

The disputed domain name <mylonza.ir> (the “Domain Name”) is registered with IRNIC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 19, 2022. On November 23, 2022, the Center transmitted by email to IRNIC a request for registrar verification in connection with the Domain Name. On November 26, 2022, IRNIC 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 verified that the Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 29, 2022. In accordance with the Rules, paragraph 5(a), the due date for Response was December 19, 2022. On December 20, 2022, the Center notified the Respondent’s default. On December 27, 2022, the Center received an email from the Respondent.

The Center appointed Ian Lowe as the sole panelist in this matter on January 6, 2023. 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 Swiss company and a member of the Lonza Group. Its history dates back to 1897 and it is now one of the leading companies providing manufacturing services to the pharmaceutical, biotech and specialty ingredients markets. Its revenues in the United States alone were over USD 2.2 billion in 2021.

The Complainant has used the trademark LONZA in respect of pharmaceutical and medicinal preparations in the United States since at least 1955. It is the proprietor of a substantial number of trademark registrations for LONZA in over 30 countries. These include International trademark number 138182 LONZA registered on August 18, 1948 designating 26 countries, United States trademark number 956300 LONZA registered on April 4, 1973, and United States trademark number 4639815 stylized word LONZA registered on November 18, 2014 (the “Lonza Device Mark”).

The Complainant operates a website at “www.lonza.com” promoting its goods and services.

The Domain Name was registered on October 21, 2019. It currently resolves to a webpage displaying characters in the Persian language. A translation using Google Translate produces:

“LAL endotoxin kit sale The price of the kits
Endotoxin assay by LAL method
We are updating.
We will be back soon.”

At the time of preparation of the Complaint, the Domain Name resolved to a website whose home page prominently displayed the Lonza Device Mark and “Welcome to Lonza Bioscience”. The tabs on the home page included “Lonza.com”. The website purported to offer a range of LONZA branded products. The “about us” page indicated that the website was operated by Hamrahan Safine Danesh Company (HSD LifeScience) (“HSD”).

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its LONZA trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant’s contentions, save that an email was sent from the email address for the registrant of the Domain Name in the WhoIs record on December 27, 2022, stating:

“Hi We intend to sell the domain mylonza.ir. Are you a buyer? Please state your proposed price
Best regards General Director Mr. [...] Shadravan HSD International Company [...]”

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in its LONZA trademark, both by virtue of its trademark registrations and as a result of its widespread use of the mark over very many years. Ignoring the Top-Level Domain (“TLD”) “.ir”, the Domain Name comprises the entirety of the Complainant’s LONZA trademark together with the prefix “my”. In the view of the Panel, the addition of this term does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Domain Name is not being used for a *bona fide* offering of goods or services but to resolve to a website that by featuring the Lonza Device Mark is very likely intended to mislead Internet users into believing it is operated or authorised by the Complainant and/or that the Respondent is an authorised reseller of the Complainant’s products. The Respondent has never been authorised by the Complainant to use the LONZA mark or to hold itself out as an authorised reseller. There is no question of the Respondent being commonly known as “mylonza”. On the contrary, the website at the Domain Name is apparently operated by HSD.

In the Panel’s view, it is difficult to conceive a legitimate purpose for registering a domain name comprising the entirety of the Complainant’s LONZA trademark with the addition of the prefix “my”, or any possible justification for the Respondent having registered the Domain Name.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the Domain Name, or to take any other steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name and the use to which the Respondent has put the Domain Name, as described above, there is little doubt that the Respondent had the Complainant and its rights in the LONZA mark in mind when it registered the Domain Name. The only possible inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant’s rights in the mark and to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant.

In the Panel’s view, the use of the Domain Name for such activity, taking unfair advantage of the Complainant’s rights in the LONZA mark with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy, paragraph 4(b)(iv).

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

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 Domain Name <mylonza.ir> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: January 19, 2023