

## **ADMINISTRATIVE PANEL DECISION**

Eli Lilly and Company v. MD Store  
Case No. DNL2026-0005

### **1. The Parties**

The Complainant is Eli Lilly and Company, United States of America, represented by Faegre Drinker Biddle & Reath, United States of America.

The registrant of the disputed domain name is MD Store, United Kingdom, (the “Respondent”).

### **2. The Domain Name(s) and Registrar(s)**

The disputed domain name <mounjaronetherlands.nl> is registered with SIDN.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 26, 2026. On February 27, 2026, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On March 2, 2026, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 3, 2026, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amendment to the Complaint on March 6, 2026.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on March 11, 2026. In accordance with the Regulations, article 7.1, the due date for Response was March 31, 2026. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on April 2, 2026.

The Center appointed Charles Gielen as the panelist in this matter on April 15, 2026. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

#### **4. Factual Background**

The following facts are undisputed.

The Complainant owns trade mark registrations for the trade mark MOUNJARO including the European Union trade mark registration No. 18209187 filed on March 11, 2020, and registered on September 8, 2020, for goods in class 5.

The United States Food and Drug Administration announced its approval of the Mounjaro pharmaceutical, a prescription pharmaceutical product for the treatment of type 2 diabetes, on May 13, 2022.

The Complainant launched the product in June 2022, and by the end that year, the product generated nearly USD 280 million in revenue worldwide. The Complainant's 2025 year-end financial report announced the product produced over USD 22 billion worldwide in that year.

The Complainant also has an Internet presence, primarily through its website at the domain name <mounjaro.com>. The Complainant registered the domain name <mounjaro.com> on October 21, 2019, and uses it to advertise and provide information regarding its Mounjaro pharmaceutical. Governing bodies in many countries throughout the world have approved the Mounjaro pharmaceutical for distribution in various formats.

SIDN informed the Center that the disputed domain name was first registered on June 27, 2025, and that the date of registration by change of registrant is July 1, 2025. The disputed domain name leads to a website that offers for sale either counterfeit or gray market versions of the Complainant's Mounjaro product without a prescription.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Regulations for it to become the registrant of the disputed domain name instead of the Respondent.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trade mark MOUNJARO in which it claims to have rights. According to the Complainant, its use and registration of the MOUNJARO trade mark predates the Respondent's registration of the disputed domain name. Furthermore, the MOUNJARO trade mark is very distinctive and the disputed domain name is confusingly similar to the MOUNJARO mark as it consists of the MOUNJARO mark and the geographically descriptive term "netherlands". The Complainant claims that it is well settled that the addition of a geographic term does not prevent a finding of confusing similarity.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The following arguments are brought forward to justify that conclusion. There is no evidence that the Respondent is commonly known by the disputed domain name. In addition, the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods and services nor making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent has registered the disputed domain name to direct Internet traffic to a website that sells either counterfeit or gray market versions of the Complainant's product without a prescription in jurisdictions in which the product has not been legally approved for distribution, all without disclosing the Respondent's lack

of a relationship with the Complainant. This is supported by the fact that the website of the Respondent states that the products are for sale worldwide and allows customers to enter billing and shipping information that correlates to over two hundred jurisdictions. Also, the lack of rights and legitimate interests follows from the fact that the website contains as address of the Respondent an address in the Netherlands where a different company is established and from the fact that it allows users to buy MOUNJARO brand products without a prescription. The website's purchasing process does not appear to require any proof of a prescription. In addition, the Complainant contends that the Respondent uses the disputed domain name to offer MOUNJARO brand products via WhatsApp, an unregulated communications channel that is not intended or designed for sensitive medical information or transactions involving pharmaceuticals. Finally, the Complainant contends that it has not given the Respondent any permission, authorization, consent or license to use its MOUNJARO mark.

Finally, the Complainant asserts that the disputed domain name has been registered or is being used in bad faith. First, the Complainant argues that the MOUNJARO trade mark is widely recognized and there can be no doubt that the Respondent registered the disputed domain name with knowledge of the Complainant's rights. Second, according to Article 3.2(d) of the Regulations, evidence of bad faith registration and use is shown when a domain name is registered to utilize another's well-known trade mark for attracting Internet users to a website for commercial gain. The Respondent is using the Complainant's mark to drive Internet traffic to its website under the disputed domain name to profit from the sale of gray market or otherwise potentially counterfeit products. In particular, the content of the website associated with the disputed domain name as well as the use of the Complainant's mark on the top of every page on the website, use of the Complainant's color logo, copyright-protected images and reference to the Respondent being a "Mounjaro Online Pharmacy" while offering to "buy Mounjaro", misleads users into believing that there is an association between the Complainant and the website, and serves as further evidence of an intentional attempt to attract Internet users to the disputed domain name for commercial gain in bad faith by creating a likelihood of confusion with the trade mark. Third, the Complainant argues that the Respondent is using the disputed domain name to offer prescription-only products without any apparent requirement for a prescription or in jurisdictions where prescriptions are otherwise not yet available, which further supports a finding of bad faith. Finally, bad faith follows from the fact that the Respondent's use of the Complainant's trade mark in the disputed domain name is potentially harmful to the health of many unsuspecting consumers who may purchase products advertised through the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective drugs approved by health authorities around the world.

In the Amendment of the Complaint as filed, after having received the contact details of the Respondent from the Registrar, the Complainant argues that this purports to further evidence the bad faith of the Respondent, because the disclosed address does not refer in any way to the Respondent. This being the case, it is clear or otherwise likely that the Respondent has provided false or misleading contact information. Falsifying such records is further evidence that the disputed domain name was registered and is used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Based on article 2.1 of the Regulations, a claim to transfer a domain name must meet three cumulative conditions:

A. the domain name is identical or confusingly similar to a trademark, trade name or geographical indication protected under Dutch law in which the complainant has rights, or a personal name registered in the General Municipal Register (in Dutch: 'gemeentelijke basisadministratie') of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and

B. the registrant has no rights to or legitimate interests in the domain name; and

C. the domain name has been registered or is being used in bad faith.

As the Respondent has not filed a Response, the Panel shall rule based on the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or in fact.

### **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 name. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition ("[WIPO Overview 3.1](#)"), section 1.7.<sup>1</sup>

The Complainant has shown rights in respect of a trade mark valid in the Netherlands for the purposes of the Regulations.

The Panel finds that the mark is recognizable within the disputed domain name. The only difference is that the term "netherlands" is added behind the word "mounjaro". This difference does not prevent the finding of confusing similarity between the trade mark and the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Regulations. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The Panel finds the first element of the Regulations has been established.

### **B. Rights or Legitimate Interests**

Article 3.1 of the Regulations 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 .nl 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 the second element.

Having reviewed the available record, the Panel, taking into account that the Respondent has not submitted a Response, finds that 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 Regulations or otherwise. First, the Respondent did not show that it owns any rights to the name "Mounjaro" nor that it has any license or other authorization from the Complainant to use its MOUNJARO trade mark. Second, the Respondent did not argue that it is commonly known, or that it has ever been known under the name "mounjaronetherlands". Third, there is no evidence that the Respondent

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<sup>1</sup> In view of the fact that the Regulations are substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.1](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

has used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the Panel agrees with the Complainant that the Respondent has registered the disputed domain name to direct Internet traffic to a website that sells either counterfeit or gray market versions of the Complainant's product without a prescription in jurisdictions in which the product has not been legally approved for distribution. This amounts to an illegal activity that can never confer any rights or legitimate interests in selling Mounjaro products.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. By failing to provide a substantive response, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered or Used in Bad Faith**

The Panel notes that, for the purposes of paragraph Article 2.1(c) of the Regulations, Article 3.2 of the Regulations establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

The Panel finds first that the disputed domain name was registered in bad faith. The Respondent, when registering the disputed domain name, had the trade mark of the Complainant in mind. This trade mark is very distinctive, widely used in the world and is very well known. The fact that the Respondent on its website uses the trade mark of the Complainant in relation to products offered for sale by the Complainant shows that the Respondent had the trade mark of the Complainant in mind. The Panel also finds that the disputed domain name is being used in bad faith. The Panel agrees with the Complainant that the Respondent is using the Complainant's mark to drive Internet traffic to its website under the disputed domain name to profit from the sale of gray market or otherwise potentially counterfeit products. In particular, the content of the website associated with the disputed domain name as well as the use of the Complainant's mark on the top of every page on the website, use of the Complainant's color logo, copyright-protected images and reference to the Respondent being a "Mounjaro Online Pharmacy" while offering to "buy Mounjaro", misleads users into believing that there is an association between the Complainant and the website, and serves as further evidence of an intentional attempt to attract Internet users to the disputed domain name for commercial gain in bad faith by creating a likelihood of confusion with the trade mark.

The Panel finds that the Respondent is using the disputed domain name to offer prescription-only products without any apparent requirement for a prescription or in jurisdictions where prescriptions are otherwise not yet available, which further supports a finding of bad faith. Also, the Respondent's use of the Complainant's trade mark in the disputed domain name is potentially harmful to the health of many unsuspecting consumers who may purchase products advertised through the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective drugs approved by health authorities around the world. It is therefore clear that the use of the disputed domain name by the Respondent is use in bad faith.

The Panel finds that the Complainant has established the third element of the Regulations.

## 7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the Complainant becomes the registrant of <mounjaronetherlands.nl> instead of the Respondent.

*/Charles Gielen/*

**Charles Gielen**

Panelist

Date: April 29, 2026