

Alternative Dispute Resolution Proceeding

Accelerated Proceeding

Case No. DSE2025-0008

1. Petitioner

The Petitioner is Teva Pharmaceutical Industries Ltd, Israel, represented by SILKA AB, Sweden.

2. Domain Holder

The Domain Holder is [Name Removed], China.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <tevapharm.se> (“Domain Name”).

This Petition was filed under the Terms and Conditions of registration (the “.se Policy”) and the Instructions governing Alternative Dispute Resolution proceeding for domain names in the top-level domain .se (the “.se Rules”).

The WIPO Arbitration and Mediation Center (“the Center”) verified that the Petition satisfied the formal requirements of the .se Policy and the .se Rules. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on February 19, 2025. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on March 26, 2025.

The Petitioner elected to have the dispute decided by one arbitrator and as an Accelerated Proceeding if the Domain Holder did not respond to the Petition. The Domain Holder did not submit a response to the Petition and the dispute shall be decided as an Accelerated Proceeding.

The Center appointed Jon Dal as the sole Arbitrator in this matter on April 1, 2025. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with Section 1 of the .se Rules.

4. Claim

The Petitioner claims that the Domain Name shall be transferred to the Petitioner.
The Domain Holder did not submit a response.

5. Parties' Contentions

5.1 Petitioner

The Petitioner, established in 1901, is an internationally active and widely known pharmaceutical company. The Petitioner maintains a portfolio of approximately 3,600 medicines, reaching some 200 million people across 58 markets and six continents every day. The Petitioner has over 50 manufacturing facilities and in the region of 37,000 employees.

The Petitioner notes that it previously held the Domain Name, which appears to have lapsed in 2022. The Domain Name's current registration period began on December 21, 2024.

A. The Domain Name is identical or similar to a name which is legally recognized in Sweden and to which the Petitioner can prove its rights

The Petitioner holds EU trademark registrations for TEVA, registration number 001192830, and TEVAPHARM, registration number 018285645. The Domain Name is at the second level identical to the Petitioner's TEVAPHARM trademark and confusingly similar to the Petitioner's TEVA trademark.

The Domain Name is, thus, identical or similar to a right which is legally recognized in Sweden and to which the Petitioner can prove its rights.

B. The Domain Name has been registered or used in bad faith

The Petitioner has accrued substantial goodwill and recognition in its trademarks. The Petitioner's offerings reach some 200 million people each day across 58 markets and six continents.

The TEVA and TEVAPHARM trademarks are clearly identifiable in publicly accessible trademark databases. Additionally, the top results following a basic Google search of 'tevapharm' clearly pertain to the Petitioner. It is therefore evident that, notwithstanding other considerations, the simplest degree of due diligence would have made any prospective registrant of the Domain Name aware of the Petitioner's rights in the globally renowned trademarks.

The Domain Holder's decision to register a domain name which corresponds with the Petitioner's main international website ("www.tevapharm.com"), can only sensibly reflect the Domain Holder's prior knowledge of, and intention to capitalize on, the Petitioner's trademarks.

The Petitioner's representatives sent cease-and-desist correspondence to the Domain Holder in January 2025. The Petitioner's representatives received a short response to this request, offering to sell the Domain Name for USD 1,500. This response, rather than presenting or asserting some explanation of rights / justified interest in the Domain Name, reinforces the Domain Holder's awareness of the Petitioner and attempt to leverage the value of the Petitioner's brands in bad faith.

The Petitioner further specifically contends that the Domain Name has been used in bad faith within the meaning of the Policy.

- The Domain Holder is utilizing or plans to utilize the good reputation, market position or characteristic feature of the Petitioner to attract traffic to its own website or to increase revenue in this manner.
- The Domain Name has been registered with a purpose to sell to the Petitioner.

- The Domain Name resolves to a site that displays pay-per-click ('PPC') links to websites in connection with pharmaceutical-related goods and/or services which compete (either directly or indirectly) with the Petitioner's offerings.
- The Domain Holder is using the reputation of the Petitioner's marks to increase traffic to its website and (presumably) derive revenue from internet users that proceed to click on the advertised third-party links. This conduct capitalizes on the goodwill and renown of the Petitioner's brands.
- The Domain Holder is associated with multiple domain name disputes concerning the distinct brands of third parties.

In summary, the Petitioner submits that the Domain Name has been registered and used in bad faith within the meaning of the Policy, satisfying condition 2 of paragraph 7.2.

C. The Domain Holder has no rights or justified interest in the Domain Name.

The Petitioner submits that the Domain Holder lacks any rights or justified interest in the Domain Name.

The Petitioner has not authorized the Domain Holder to use its trademarks for any reason or in any manner, including in or as part of a domain name. Likewise, the Petitioner is not affiliated with the Domain Holder.

There is no evidence that the Domain Holder has been commonly known by the Domain Name or by any term similar to the TEVA or TEVAPHARM marks, nor that the Domain Holder has trademark rights in any such term.

The Domain Holder's use of the Domain Name to display competitive PPC links is a form of conduct which, as stated above, capitalizes on the trademark value of the Petitioner's marks.

The Domain Holder is using the reputation of the Petitioner's marks to attract traffic to its own website and, by diverting users to other sites via PPC links, (presumably) increase its revenue. Such use, noting the intrinsic association between the Domain Name string and Petitioner's brands, does not confer the Domain Holder with a justified interest in the Domain Name.

It is reiterated that the Petitioner's representatives sent cease-and-desist correspondence to the Domain Holder in January 2025. The Domain Holder's short response to this further confirms its lack of rights or justified interest, merely offering to sell the Domain Name to the Petitioner for USD 1,500. This is a price which unequivocally exceeds the Domain Holder's cost of registering the Domain Name.

In summary, the Petitioner submits that the Domain Holder has no rights or justified interest in the Domain Name for the purposes of the Policy and therefore satisfies the third condition of paragraph 7.2.

D. Evidence

The Petitioner has, i.a. adduced the following evidence in support of its Petition: list of the Petitioner's trademark registrations, extracts from trademark databases, copy of cease and desist letter and response thereto and Domain Name screenshots.

5.2 Domain Holder

The Domain Holder did not submit any response.

6. Discussion and Findings

A domain name may be transferred to the party requesting dispute resolution proceedings if the following three conditions are fulfilled:

- A. The domain name is identical or similar to a name which is legally recognized in Sweden and to which the party requesting dispute resolution can prove its rights, and
- B. The domain name has been registered or used in bad faith, and
- C. The domain holder has no rights or justified interest in the domain name.

All three conditions must be met in order for the party requesting dispute resolution to succeed with a claim for transfer of the domain name.

A. The Domain Name is identical or similar to a name which is legally recognized in Sweden and to which the Petitioner can prove its rights

The Petitioner is the owner of the EU trademark registration no 018285645 for "TEVAPHARM". The registration is legally recognized in Sweden. The Domain Name is, in all material aspects, identical to the registered trademark and the Petitioner fulfils the first condition.

B. The Domain Name has been registered or used in bad faith

Based on the record, the Arbitrator finds that the Domain Name has been registered and used in bad faith.

C. The Domain Holder has no rights or justified interest in the Domain Name.

Based on the record, the Arbitrator finds that the Domain Holder has no rights or justified interest in the Domain Name.

7. Decision

The Domain Name shall be transferred to the Petitioner.

Jon Dal

Date: April 8, 2025