

ADMINISTRATIVE PANEL DECISION

Sanofi v. xiao xing
Case No. D2022-4529

1. The Parties

The Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

The Respondent is xiao xing, China.

2. The Domain Name and Registrar

The disputed domain name <wwwsanofi.com> (the “Disputed Domain Name”) is registered with Gname 008 Inc (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 28, 2022. On November 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 30, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 30, 2022, 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 in English on December 2, 2022.

On November 30, 2022, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On December 2, 2022, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in English and Chinese of the Complaint, and the proceedings commenced on December 6, 2022. In accordance with

the Rules, paragraph 5, the due date for Response was December 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2022.

The Center appointed Kar Liang Soh as the sole panelist in this matter on January 11, 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 multinational company headquartered in Paris, France, with establishments in over 100 countries and over 100,000 employees. The Complainant is involved in developing, manufacturing and marketing pharmaceutical products and recorded annual net sales of over EUR 30 billion from 2014 to 2021. The SANOFI brand is highly ranked globally in the pharmaceutical industry.

The Complainant owns many trademark registrations incorporating the word "Sanofi" (the "SANOFI Trademark"), including:

Jurisdiction	Registration No.	Registration Date
France	1482708	August 11, 1988
European Union	010167351	January 7, 2012
International Registration	1092811	August 11, 2011

The Complainant and its related entities are also the holder of many domain names including <sanofi.com>, <sanofi.eu>, <sanofi.us>, <sanofi.biz>, <sanofi.org> and <sanofi.cn>, the earliest being <sanofi.com> registered on October 13, 1995.

The SANOFI Trademark has been the subject of numerous cases under the Policy dating as far back as 2010. The previous panels in some of these cases have also held the SANOFI Trademark to be well known (e.g., *Sanofi v. Aamir Hitawala*, WIPO Case No. [D2021-1781](#); *Sanofi v. Yansheng zhang, GNAME.COM PTE. LTD*, WIPO Case No. [D2021-1751](#); *Sanofi v. Contact Privacy Inc. Customer 0161263426 / Mike Willis, Sanofi Pasteur*, WIPO Case No. [D2021-1320](#)).

The Respondent appears to be an individual based in China. Beyond this, very little is known about the Respondent. The Respondent's mailing address provided in the Registrar verification response could not be reached by courier for delivering the Written Notice. The Disputed Domain Name was registered on November 11, 2022. On or before November 28, 2022, the Disputed Domain Name resolved to a website featuring prominent banners displaying and advertising various online gambling and pornographic resources. None of these resources appears to be associated with the Complainant. At the time of the Decision, the Disputed Domain Name no longer resolves to any website.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- (a) The Disputed Domain Name is identical or confusingly similar to the SANOFI Trademark. The SANOFI Trademark has no particular meaning and is highly distinctive. The SANOFI Trademark is the dominant part of the Disputed Domain Name. Regardless of the adjunction of the descriptive term "www", the Disputed Domain Name remains confusingly similar to the SANOFI Trademark. The Disputed Domain Name is an exact reproduction of the SANOFI Trademark combined with the term "www" which identifies the world wide web is an expected part of a web address;

(b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent's name has no resemblance with the word "Sanofi". The Complainant has never licensed or otherwise authorized the Respondent to use its trademarks or register any domain name including the SANOFI Trademark. There is no relationship whatsoever between the Parties. The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. Nor did the Respondent have used the Disputed Domain Name in connection with a *bona fide* offering of goods or services; and

(c) The Disputed Domain Name was registered and is being used in bad faith. The Respondent's registration of the Disputed Domain Name corresponding to the SANOFI Trademark is not mere coincidence. The Respondent is likely to have known of the existence of the SANOFI Trademark at the time he registered the Disputed Domain Name. The Respondent acted with opportunistic bad faith in registering the Disputed Domain Name. The Disputed Domain Name was registered for the purpose of attracting Internet users to the Respondent's website by creating a likelihood of confusion between the SANOFI Trademark and the Disputed Domain Name to obtain financial gain by misleadingly diverting consumers. The use of the Disputed Domain Name is likely to cause irreparable prejudice to the Complainant's general goodwill.

B. Respondent

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

6. Discussion and Findings

To succeed in this proceeding, the Complainant must establish the three limbs of paragraph 4(a) of the Policy on the facts:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) The Disputed Domain Name was registered and is being used in bad faith.

A. Language of the Proceeding

The language of the Registration Agreement is in Chinese. Therefore, the default language of the proceeding is also Chinese. The Complainant has requested that English be adopted as the language of the proceeding instead. Having considered the Complainant's submission and the circumstances of this case, the Panel allows the Complainant's request pursuant to paragraph 11(a) of the Rules. In coming to the decision, the Panel has taken into consideration the following factors:

- a) The Complainant's business operates primarily in English and the Complainant has confirmed that it is unable to communicate in Chinese;
- b) The Respondent has neither objected to the Complainant's request nor responded to the Complaint despite being notified of the language of the proceeding, and commencement of the proceeding in both English and Chinese;
- c) The Panel is bilingual in both English and Chinese and could have dealt with a Response submitted in Chinese; and
- d) The Panel is also mindful of the need to ensure that the proceeding is conducted in a timely and cost-effective manner. There is no procedural benefit in requiring proceeding to be conducted in Chinese. The Complaint has already been filed in English. The Respondent has opted not to participate in the proceeding. Requiring the proceeding to be conducted in Chinese now would burden the Complainant with unnecessary translation cost but also cause pointless delay to the proceeding.

B. Identical or Confusingly Similar

Based on the trademark registrations tendered in the evidence, the Panel accepts that the Complainant owns rights in the SANOFI Trademark. The Disputed Domain Name patently incorporates the SANOFI Trademark in its entirety. The only difference between the Disputed Domain Name and the SANOFI Trademark is the addition of the prefix “www” and the generic Top-Level Domain (“gTLD”) “.com” to the Disputed Domain Name. The SANOFI Trademark remains clearly recognizable in the Disputed Domain Name.

The Panel agrees with the Complainant that “www” is commonly used in the address of websites to refer to a resource on the “world wide web”. In fact, the addition of the character “.” between the “www” and “sanofi” elements of the Disputed Domain Name would transform the Disputed Domain Name to “www.sanofi.com”. As such, the Disputed Domain Name is effectively a reasonably predictable typographical error of a web address based off the Complainant’s domain name <sanofi.com> which in turns incorporate the SANOFI Trademark. Past panels have held that adding “www” to a trademark in a disputed domain name does not prevent a finding of confusing similarity (e.g., *Sanofi-aventis v. Transure Enterprise Ltd, Host Master*, WIPO Case No. [D2008-1636](#)). See also section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). The Panel is satisfied that the prefix “www” does not prevent a finding of confusing similarity between the Disputed Domain Name and the SANOFI Trademark.

The Panel adopts the consensus view of past panels that the gTLD in a domain name is a standard registration requirement that may be disregarded for purposes of considering the first element of paragraph 4(a) of the Policy (see section 1.11.1 of the [WIPO Overview 3.0](#)).

The Panel holds that the first limb of paragraph 4(a) of the Policy is established.

C. Rights or Legitimate Interests

The evidence before the Panel does not suggest that the Respondent is known by the Disputed Domain Name. The Complainant has also confirmed it has no relationship with the Respondent and that the Respondent has never been licensed or authorized to use the SANOFI Trademark or register the Disputed Domain Name. There is also no evidence that the Respondent is making any legitimate noncommercial or fair use of the Disputed Domain Name or is using the Disputed Domain Name for a *bona fide* offering of goods or services. It is clear to the Panel that the use of a website resolved from the Disputed Domain Name to redirect Internet visitors to online gambling and pornographic resources is commercially driven and cannot qualify as a legitimate noncommercial or fair use. In the absence of any evidence to the contrary, the Panel concludes that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The *prima facie* case has not been rebutted by the Respondent and the second limb of paragraph 4(a) is thereby established.

D. Registered and Used in Bad Faith

Paragraph 4(b)(iv) of the Policy sets out an exemplary circumstances of bad faith registration and use of a domain name as follows:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

Having reviewed the evidence, the Panel agrees with past panels that the SANOFI Trademark is well known. The Respondent could not have been unaware of the Complainant’s trademark rights in the SANOFI Trademark when registering the Disputed Domain Name. As aptly put by the Complainant, the Respondent’s prefixing of the acronym “www” for “world wide web” to the meaningless word “sanofi” cannot be coincidental, and must surely be motivated by a keen awareness of the SANOFI Trademark. Considering

the use of the Disputed Domain Name, it cannot be more obvious that the Respondent must have registered the Disputed Domain Name for the purpose of directing traffic to the Respondent's website for commercial gain by creating a likelihood of confusion with the SANOFI Trademark as to source, sponsorship, affiliation, or endorsement within the meaning of paragraph 4(b)(iv) of the Policy. On these circumstances alone, the Complainant has demonstrated the Respondent's bad faith in registering and using the Disputed Domain Name as depicted by paragraph 4(b)(iv) of the Policy.

The promotion of gambling and pornographic content on the Respondent's website adds a further stain of bad faith on the Respondent. Past panels have elaborated at length about the high risk of tarnishment to a well-known mark arising from such behaviour by a respondent irrespective of motivation (e.g., *VIVENDI v. Guseva Svetlana*, WIPO Case No. [D2018-2631](#); *Dunkin' Donuts Incorporated and Dunkin' Donuts USA, Inc. v. Dazzle designs*, WIPO Case No. [D2004-0436](#)).

By reasons of the above, the Panel holds that the Disputed Domain Name was registered and is being used in bad faith, thereby establishing the third limb of paragraph 4(a) 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, <wwwsanofi.com>, be transferred to the Complainant.

/Kar Liang Soh/

Kar Liang Soh

Sole Panelist

Date: February 6, 2023