

DISPUTE RESOLUTION SERVICE

D00024580

**Decision of Independent Expert
(Summary Decision)**

Novartis AG

and

Kindman Promiselxg

1. The Parties:

Complainant: Novartis AG
4002 Basel
Basel
Basel
Switzerland

Respondent: Kindman Promiselxg
Dutse Kura-Gwari Minna Niger State
Minna
Niger
100001
Nigeria

2. The Domain Name:

novartislaboratoriesltd.co.uk

3. Notification of Complaint

I hereby certify that I am satisfied that Nominet has sent the complaint to the Respondent in accordance with section 3 and 6 of the Policy.

Yes

4. Rights

The Complainant has, to my reasonable satisfaction, shown rights in respect of a name or mark which is identical or similar to the domain name.

Yes

5. Abusive Registration

The Complainant has, to my reasonable satisfaction, shown that the domain name novartislaboratoriesltd.co.uk is an abusive registration

Yes

6. Other Factors

I am satisfied that no other factors apply which would make a summary decision unconscionable in all the circumstances

Yes

7. Comments (optional)

Founded in 1996, the Complainant, Novartis AG, is a global healthcare company based in Switzerland and the registered holder of the NOVARTIS trade mark number EU000304857 in the UK Intellectual Property Office since 25 June 1999 (the “**Mark**”).

The Disputed Domain Name <novartislaboratoriesltd.co.uk> is a combination of the Mark and generic terms that are closely connected with the Complainant’s business. The domain name is abusive in the hands of the Respondent as it resolves to a website (the “**Respondent’s website**”), which has a similar look and feel to the Complainant’s official website located at URL “novartis.com”. The Respondent’s website bears the annotation “© 2018 Novaeris Laboratories (UK) Limited (Registered in England and Wales)”,

albeit with the Mark misspelt and missing the “t”, which reflects the Respondent’s intention to impersonate the Complainant’s official website and generate “initial interest confusion” among public Internet users. The Disputed Domain Name gives rise to the likelihood that Internet users will think that the owner of the Disputed Domain Name is in fact the owner of the Complainant’s mark to which it is similar, or that there is some form of association between the Respondent and the Complainant, when there is not, and therefore the Disputed Domain Name is abusive.

8. Decision

I grant the Complainant’s application for a summary decision. In accordance with section 12 of the Policy, the domain name will therefore be transferred to the Complainant.

Signed:



Dated:

15 May 2022