

## ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Name Redacted  
Case No. D2025-3207

### 1. The Parties

Complainant is Eli Lilly and Company, United States of America (“United States” or “US”), represented by Faegre Drinker Biddle & Reath LLP, United States.

Respondent is Name Redacted.<sup>1</sup>

### 2. The Domain Name and Registrar

The disputed domain name <zepboundonline.shop> is registered with NameSilo, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2025, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on August 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 13, 2025.

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<sup>1</sup>The party that undertook registration of the disputed domain name (the Respondent-in-fact) appears to have used the name and/or contact details of an unrelated individual when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 Respondent of the Complaint, and the proceedings commenced on August 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2025. A third party sent an email to the Center on August 19, 2025. Accordingly, the Center notified the Parties that it would proceed to on September 4, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on September 9, 2025. 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**

Complainant is a corporation organized under the laws of the State of Indiana, United States, with principal place of business in Indianapolis, Indiana. Complainant is a substantial multinational pharmaceutical company with projected worldwide revenues for 2025 of between USD 58 billion and USD 61 billion.

Complainant operates its principal commercial website at <lilly.com> and uses <zepbound.com> domain name to advertise and provide information regarding its ZEPBOUND product. ZEPBOUND, the trademark name, or tirzepatide, the International Nonproprietary Name (INN), identifies a GLP-1 drug initially approved by the US Food and Drug Administration (FDA) in November 2023 for weight management. Complainant attributes a substantial increase in revenues from the prior two years to sales of its Mounjaro and ZEPBOUND pharmaceutical products.

Complainant is the owner of registration for the word trademark ZEPBOUND on the Principal Register of the United States Patent and Trademark Office (USPTO), registration number 7,288,373, registration dated January 23, 2024, in international class (“IC”) 5, covering “pharmaceutical preparations, namely, pharmaceutical preparations for the treatment of obesity”. Complainant is also owner of registration for the word trademark ZEPBOUND on the register of the European Union Intellectual Property Office (EUIPO), registration number 018688583, registration dated October 8, 2022, in IC 5, covering pharmaceutical preparations, as further specified. Complainant is also owner of registration for the word trademark ZEPBOUND on the trademark register of the New Zealand Intellectual Property Office, registration number 1211740, registration dated December 6, 2022, in IC 5, covering pharmaceutical preparations, as further specified.

According to the Registrar’s verification, the party identified in Complainant’s amendment to the Complaint as Respondent is the registrant of the disputed domain name. According to Whois report, the disputed domain name was registered on April 10, 2025. As noted below, it appears that falsified information regarding the name and address of the registrant was provided at registration of the disputed domain name.

Respondent has used the disputed domain name to direct Internet users to a website headed with the terms “ZEPBOUND ONLINE” that provides detailed information regarding Complainant’s ZEPBOUND pharmaceutical product and offers that product for sale in various dosage amounts and quantities. Respondent’s website has a professional appearance and includes references to advocacy and support organizations. The website does not appear to request or require a physician’s prescription for purchase of the product, while such a prescription is a requirement of United States law. The website includes an online form for ordering ZEPBOUND. The website appears to allow ordering of the product destined for jurisdictions where it has not been approved by local drug regulatory authorities. Complainant has indicated that the ZEPBOUND product offered by Respondent is either counterfeit or “gray market”. There is no evident disclaimer of affiliation between Respondent and Complainant appearing on Respondent’s website.

There is no evidence of an affiliation, commercial or otherwise, between Complainant and Respondent on the record of these proceedings.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has rights in the trademark ZEPBOUND in that the disputed domain name is confusingly similar to that trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is not commonly known by the disputed domain name; (2) Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services because Respondent is offering counterfeit or gray market versions of Complainant's product without requiring a prescription; (3) Respondent has not been authorized to use Complainant's trademark; (4) Respondent has failed to disclose its lack of relationship with Complainant; (5) Respondent's website is designed to create confusion for Internet users regarding a potential association with Complainant; (6) Respondent is offering Complainant's product for sale in jurisdictions where it is not approved; and (7) Respondent had at least constructive notice of Complainant's well-known trademark when it registered and used the disputed domain name.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Complainant's trademark became well known prior to Respondent's registration of the disputed domain name; (2) Respondent is using Complainant's trademark to create Internet user confusion regarding Complainant's association with Respondent's website for commercial gain; (3) Respondent is offering Complainant's product for delivery to jurisdictions in which the product is not approved and without requirement of prescription; (4) Respondent's use of the disputed domain name is potentially harmful to the health of unsuspecting consumers who may believe that they are purchasing products from Complainant or an authorized distributor, and (5) Respondent's provision of false or misleading registration information establishes a presumption of bad faith.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

### **B. Respondent**

Respondent did not reply to Complainant's contentions. Having received the Center's written communication at its business address listed in the record of registration for the disputed domain name, a third-party business establishment sent an email to the Center on August 19, 2025 indicating that there was no individual with the name of Respondent affiliated with that business, and offering to return the Complaint to the Center. The business establishment that received the Complaint is in a distinctly different line of commerce than that associated with the disputed domain name, and there is no evidence on the record of these proceedings of any link, commercial or otherwise, between the individual named on the record of registration of the disputed domain name and whatever party may be the actual registrant of the disputed domain name.

## **6. Discussion and Findings**

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. There does not appear to have been difficulty in completing at least an e-mail

transmission of notice to Respondent. Courier delivery to the physical address listed in Respondent's record of registration was successful, but the recipient was not the registrant-in-fact of the disputed domain name. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;

(ii) respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

#### **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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Complainant has shown rights in respect of the trademark ZEPBOUND for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term, here "online", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.<sup>2</sup> [WIPO Overview 3.0](#), section 1.8.

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

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

Paragraph 4(c) of the Policy 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 UDRP proceedings is on Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1

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<sup>2</sup> The Panel notes that the disputed domain name also incorporates the Top-Level Domain ("TLD") ".shop". As a general matter TLDs, as here, do not form part of the confusing similarity assessment under the Policy.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 Policy or otherwise.

Complainant has not authorized Respondent to offer for sale or sell ZEPBOUND, the sales of which are governed by various drug-related regulations, including requirements for prescription, which Respondent's website does not require. Respondent's website does not give any indication of its lack of a commercial relationship with Complainant. Respondent is offering to sell and deliver Complainant's product, inter alia, in markets where it has not been approved for sale by drug regulatory authorities. Although there may be circumstances in which legitimate resales of branded pharmaceutical products first placed on the market by or with the consent of their producers/trademark owners may take place, Respondent has not provided any evidence that the ZEPBOUND product it is offering or selling involves legitimate resale and, further, has not met the conditions for such a legitimate resale by, notably, failing to disclose its lack of affiliation with Complainant. Based on these circumstances, Respondent is not making a bona fide offer for sale or selling Complainant's ZEPBOUND product. Respondent is not using Complainant's trademark or the disputed domain name for a fair use purpose (e.g., *Pfizer Inc v. Van Robichaux*, WIPO Case No. [D2003-0399](#)).

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent was manifestly aware of Complainant and its ZEPBOUND trademark when it registered the disputed domain name. Complainant's ZEPBOUND trademark is a coined term without ordinary meaning. Complainant's trademark was widely known at the time of Respondent's registration of the disputed domain name in April 2025. Respondent has used it extensively for commercial purposes on its website. Respondent's registration of the disputed domain name targeted Complainant's trademark for purposes of taking unfair advantage of Complainant's trademark rights. Respondent's registration of the disputed domain name was undertaken in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether Respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Respondent's website, in addition to the disputed domain name, extensively incorporates the ZEPBOUND trademark of Complainant's successful pharmaceutical product. It does so to induce Internet users to purchase Complainant's product. The website does not include a disclaimer by Respondent of affiliation with Complainant. Complainant has indicated that Respondent is not authorized to sell its product, and that such product may be counterfeit. Respondent has not suggested that it is offering ZEPBOUND through some legitimate route. Respondent's website does not require purchasers to provide evidence of a prescription for ZEPBOUND. Respondent's website has a professional appearance that does not appear to signal to the Internet users that it is not affiliated with Complainant. Respondent for commercial gain is creating Internet user confusion regarding association with Complainant as to source, sponsor, affiliate or endorser of Respondent's website within the meaning of paragraph 4(b)(iv) of the Policy.

Respondent provided false information in its registration of the disputed domain name, which is further evidence of bad faith registration and use.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element 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 <zepboundonline.shop> be transferred to Complainant.

*/Frederick M. Abbott/*

**Frederick M. Abbott**

Sole Panelist

Date: September 22, 2025