



WIPO Arbitration and Mediation Center

ADMINISTRATIVE PANEL DECISION

Pfizer Inc., A Delaware Corporation v. Phizer's Antiques and Robert Phizer

Case No. D2002-0410

1. The Parties

The Complainant is Pfizer Inc., a corporation of the State of Delaware, United States of America, having a principal place of business at 235 East 42nd Street, New York, New York, United States of America.

The Respondents are Phizer's Antiques and Robert Phizer both located at 218 Seashell Drive, Sanibel, Florida 32938, United States of America.

2. The Domain Name and Registrar

The contested Domain Name is <phizer.com>.

The Registrar is eNom, Inc., (“eNom”) located at 16771 NE 80th Street, Suite 100, Redmond, Washington, United States of America.

3. Procedural History

The Complaint was brought pursuant to the Uniform Domain Name Dispute Resolution Policy (“the Policy”), which was adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved on October 24, 1999 and in accordance with the ICANN Rules for Uniform Domain Name Dispute Resolution Policy (“the Rules”) as approved on October 24, 1999 and by the World Intellectual Property Organization Supplemental Rules for Uniform Domain Name Dispute Resolution Policy in effect as of December 1, 1999 (“the Supplemental Rules”).

The Complaint was filed with the WIPO Arbitration and Mediation Center (“the Center”) in e-mail form on April 30, 2002, and in hard-copy form on May 3, 2002 with Annexes 1-20. The Complainant effectuated appropriate payment against a credit it then had with the Center.

The Complainant's attorney stated that on April 30, 2002, he served a copy of the Complaint itself together with a copy of the cover sheet, on the Respondents and registrar by first class mail, and on the registrar, presumably without the annexes, by e-mail.

Pursuant to paragraph 4(d) of the Policy, the Complainant selected the Center as the ICANN approved administrative dispute resolution service provider to administer this proceeding. Through the Complaint, the Complainant requested a single person panel.

After receiving the original Complaint, the Center, in accordance with paragraph 5 of the Supplemental Rules, determined whether the Complaint fully complied with the formal requirements of the Rules and the Supplemental Rules. In that regard, on May 3, 2002, the Center requested confirmation from the Registrar of information set forth in the Complaint relative to the contested domain name; specifically, contact and registrant information for that domain name, as well as whether the Registrar received a copy of the Complaint from the Complainant. The Center also requested the Registrar to specify: (a) whether the ICANN Policy applies to the contested domain name, (b) the current status of that domain name, and (c) whether the registrant has submitted, in its registration agreement, to the jurisdiction at the location of the principal office of the registrar for court adjudication of disputes concerning or arising from the use of the domain name.

Subsequently, on May 3, 2002, the Registrar provided its response to the Center through which the Registrar provided contact information pertinent to the contested domain name from its WHOIS database, confirmed that eNom, Inc. is the registrar of the domain name, stated that the language of the registration agreement is English, and stated that the domain name was then in an "lock" status. The Registrar also informed the Center that the Respondents, through its registration agreement, submitted to the jurisdiction at the location of the principal office of the registrar for court adjudication of disputes concerning or arising from the use of the domain name.

On May 15, 2002, the Center notified the Respondents of the filing of the Complaint, including an indication that the Center was forwarding a complete copy of the Complaint, both in e-mail and hard-copy form, to the Respondents (with the latter method forwarding a copy of all the annexes as well). The Complaint, and its accompanying documents, and all subsequent communications associated therewith were provided in the preferred manners and to the addresses as mandated by paragraphs 2(a), 2(b) and 4(a) of the Rules.

Hence, the notification to the Respondents having occurred on May 15, 2002, under paragraph 4(c) of the ICANN Policy, this administrative proceeding is deemed to have commenced on that date.

Having reviewed the Complaint and succeeding correspondence between the Center and the Registrar, in detail, the Panel agrees with the determination of the Center that the Complaint and its handling met the requirements of the Rules and the Supplemental Rules.

The Respondents were then provided with a 20 calendar day period, expiring on June 4, 2002 to file its Response with the Center and serve a copy of the Response on the Complainant.

As of June 4, 2002, the Center had not received a substantive Response to the Complaint from the Respondents; hence, the Center, in an email letter dated

June 11, 2002, notified the Complainant and Respondent of the default of the Respondents.

Accordingly, pursuant to the Rules and Supplemental Rules, by e-mail letter dated June 19, 2002, the Center contacted the undersigned, Mr. Peter L. Michaelson, Esq., requesting his service as a sole panelist for this dispute. Subsequently, on June 19, 2002, Mr. Michaelson accepted and returned, by facsimile to the Center, a fully executed Statement of Acceptance and Declaration of Impartiality and Independence. The Center, through an e-mail letter dated June 20, 2002, notified the parties of the appointment of Mr. Michaelson as sole panelist.

Based on the deadline set forth in paragraph 15 of the Rules, a decision was to be issued by the Panel to the Center on or before July 4, 2002.

This dispute concerns one domain name, specifically: <phizer.com>.

The language of this proceeding is English.

4. Factual Background

A copy of the WHOIS registration record for the contested domain name appears in Annex 1 to the Complaint. As indicated on this record, the Respondents registered this domain name with eNom on February 19, 2002.

A. "Pfizer" Marks

The Complainant owns numerous United States and foreign trademark registrations for the mark "PFIZER" either in a stylized (script text located within an oval) or block letter form or as a formative (collectively the "Pfizer" Marks) on which this dispute is based. Many of the United States registrations are several decades old and hence have become incontestable. The Complainant has provided, in Annex 3 to the Complaint, a hard-copy printout of corresponding records from the United States Patent and Trademark Office web server for two of its pertinent United States registrations as well as of the registrations and renewal certificates themselves, and, in Annex 4 to the Complaint, a listing of all its "Pfizer" Marks, both in the United States and overseas. The two registrations are as follows:

- a) Pfizer (stylised)
US registration 626,088; registered May 1, 1956; renewed May 1, 1996

This mark was registered for use in connection with: "pharmaceutical preparations for human and veterinary use - namely, animal feed supplements, antibiotics, derivatives thereof and vitamins either alone or in combination" in international class 5. This mark claims first use and first use in inter-state commerce of November 30, 1951.

- b) PFIZER (block letters)
US registration 501,762; registered August 24, 1948; renewed August 24, 1988

This mark was registered for use in connection with various chemical compounds in international classes 1 and 5. This mark claims first use and first use in inter-state commerce of December 31, 1932.

B. The Complainant's activities

The Complainant is among the largest pharmaceutical enterprises in the world with global operations in more than 150 countries. Specifically, the Complainant discovers, develops, manufactures and markets leading prescription medicines for humans and animals, as well as many of the world's best-known consumer products. In that regard, the Complainant has expended substantial sums and extensive resources on the research, development and marketing of human pharmaceuticals and animal health products and maintains the world's largest privately funded biomedical research organization. In calendar year 2000, the Complainant reported revenues of US \$ 29.6 billion, with eight of its pharmaceutical products attaining sales of at least US \$1 billion each.

The "Pfizer" Marks, and particularly the mark "PFIZER", are universally recognized and relied upon as identifying the Complainant as the sole source of its pharmaceuticals, consumer health care products and animal health products, and as distinguishing the Complainant from other companies and the Complainant's products from the goods and services of others. The mark "PFIZER" symbolizes substantial goodwill to the Complainant and is an extremely valuable commercial asset of the Complainant both in the United States and around the world.

C. The Respondents' activities

The Respondents do not offer goods or services at a web site to which the contested domain name resolves. Rather, as of April 30, 2002, the Respondents use that name solely as a link address to re-direct web traffic to the Respondents' travel web site at <sunfinder.com>. In that regard, the Complainant has provided a print-out of key pages of the <sunfinder.com> web site in Annex 11 to the Complaint.

Though the Respondents provided its contact information as Phizer Antiques located at 218 Seashell Drive, Sanibel, Florida, an affidavit from Mr. Anthony Yarborough, who is a private investigator associated with Robert Jackson and Associates, states that, as a result of his investigation: (a) there is no business by the name of "Phizer Antiques" registered anywhere in the State of Florida, (b) there is no individual nationwide in the US by the name of "Robert Phizer", (c) 218 Seashell Drive is not a valid address in Sanibel, Florida, (d) "32938" is a non-existent zip code, and (e) a telephone number listed in the contact information for the contested domain name, i.e., 918-323-0958, is a non-working number with the area code, 918, specifying Vinita, Oklahoma and not Florida.

5. Parties' Contentions

A. Complainant

i. Similarity

The Complainant contends that the contested domain name is confusingly similar to the Complainant's mark "PFIZER".

Specifically, the Complainant contends that the contested domain name, <phizer.com>:

- (i) is virtually identical to the Complainant's mark "PFIZER", the only difference being that the letter "f" in the mark "PFIZER" have been replaced by the letter "h" respectively, commonly known as a "typo" or

“typo-squatting”;

- (ii) consists predominantly of the term “phizer,” the pronunciation of which is indistinguishable from the pronunciation of the Complainant’s mark "PFIZER”;
- (iii) was registered in order to confuse users who may attempt to locate the Complainant’s web site by spelling its name phonetically;
- (iv) is confusingly similar to the domain name for the Complainant's own web site, i.e., <pfizer.com>; and
- (v) is so clearly similar to the Complainant’s mark "PFIZER" and its tradename that the contested domain name is likely to cause confusion among the Complainant’s customers.

Hence, the Complainant concludes that it has met the confusing similarity/identity requirement in paragraph 4(a)(i) of the Policy.

ii. Legitimacy

The Complainant contends that, for several reasons, that the Respondents have no rights or legitimate interests in the contested domain name pursuant to paragraph 4(a)(ii) of the Policy.

First, the Complainant states that its adoption and use of its mark "PFIZER" precedes the February 2002 date on which the Respondents registered the contested domain name. The Complainant takes the position that “[i]t is inconceivable that the Respondents did not have knowledge of the Complainant’s famous PFIZER mark prior to the registration of the disputed domain name.”

Second, the Complainant states that neither of the Respondents is not and never has been a representative of the Complainant or licensed to use the mark "PFIZER". Furthermore, the Complainant contends that, upon its information and belief, neither of the Respondents is commonly known by the name “Phizer.”

Third, as to the Respondents' use of the contested domain name for user re-direction, the Complainant contends that there is no connection between the term “phizer” and the Respondents' <sunfinder.com> web site. Furthermore, the Complainant contends that the Respondents' use of the term “phizer” to redirect traffic to <sunfinder.com> site likely occurs for a fee.

Fourth, the Complainant contends that the Respondents intentionally chose the term “Phizer” because it is confusingly similar to the mark "PFIZER", and as such cannot constitute a bona fide offering of services. In that regard, the Complainant contends that the Respondents' use of the contested domain name intentionally and misleadingly redirects or diverts Internet users away from the Complainant’s web site in order to generate commercial gain for the Respondents and does not constitute a legitimate use.

Fifth, the Complainant contends that the Respondents have purposefully selected the term “phizer,” which contains a common typographical error relative to the Complainant’s mark "PFIZER", in order to divert consumers, who are attempting to locate the Complainant’s site, to the web site of its affiliate <sunfinder.com>. The term “Phizer” also has the same pronunciation as the Complainant’s mark "PFIZER". Given

this, the Complainant contends that the Respondents intend to profit from such ensuing confusion and, as a result, the Complainant has been and will continue to be deprived of visits by Internet users.

Lastly, the Complainant believes that the Respondents have registered the contested domain name explicitly for the purpose of making illegitimate or unfair use of the Complainant's mark "PFIZER". In that regard, the Complainant notes that there is no evidence of record that the Respondents are making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain. Given this, the Respondents are instead misleading and diverting the Complainant's customers to the <sunfinder.com> web site, thereby creating a false impression that <phizer.com> and/or <sunfinder.com> are in some way associated with, or sponsored by, the Complainant.

Thus, the Complainant concludes that the Respondents have no rights or legitimate interests in the contested domain name pursuant to paragraph 4(a)(ii) of the Policy.

iii. Bad Faith

The Complainant contends that, also for various reasons, the Respondents have registered and are now using the contested domain name in bad faith.

As to bad faith registration, the Complainant contends that the Respondents, in common with the public, is well aware of the vast and valuable goodwill and reputation represented and symbolized by the mark "PFIZER". Hence, the Complainant contends that "[i]t is therefore inconceivable that the Respondents were not aware that the PFIZER mark, as used by the Complainant, is recognized and relied upon by medical professionals and the public throughout the United States and the world as the sole means to identify and distinguish the Complainant and the Complainant's goods and services from the goods and services of others." Hence, the Complainant contends that the Respondents, "recognizing the value of the Internet to the Complainant in augmenting the Complainant's ability to communicate with its customers and potential customers, registered the domain name <phizer.com> with the bad faith intent to profit from such registration, and blatantly used the term 'phizer' which looks and sounds virtually identical to the Complainant's PFIZER trademark, to do so".

In particular, the Complainant contends that the Respondents' bad faith registration is exemplified by the following:

- (i) the Complainant's mark is a mark that has a strong reputation in the United States and around the world;
- (ii) although the Respondents were clearly aware of the mark "PFIZER", the Respondents deliberately registered a domain name with only a minor spelling variant, known as typosquatting, to the well-known mark "PFIZER" in order to confuse consumers and to profit from such confusion;
- (iii) the Respondents were clearly aware of the mark "PFIZER" prior to the registration of <phizer.com>, as is evidenced by the worldwide fame of the mark "PFIZER";
- (iv) <phizer.com> was intended to be and is substantially and confusingly similar to the Complainant's mark "PFIZER";

- (v) the Respondents' deliberate use of a common typo, i.e., the substitution of the letter "h" for the "f" in the mark "PFIZER," while maintaining an identical pronunciation, indicates that the Respondents knew or should have known of the Complainant's registration and use of that mark prior to registering the domain name;
- (vi) <phizer.com> is substantially similar to the Complainant's corporate name, which is commonly used to identify the Complainant as a company as well as a wide variety of pharmaceutical, consumer and animal health care products, and is confusingly similar to the domain name for the Complainant's own web site, i.e., <pfizer.com>; and
- (vii) the Respondents' having provided the Registrar with incomplete and false contact information, such as a fictitious company name, a fictitious individual name, a fictitious street address, and a fictitious telephone number indicates bad faith registration.

As to bad faith use, the Complainant takes the position that bad faith use of the contested domain name is determined, not by whether the Respondents are making a positive action in bad faith, but instead by whether all of the other circumstances of the case indicate bad faith by the Respondents. In that regard, the Complainant contends that bad faith use is exemplified by the following factors:

- (i) the mark "PFIZER" is a famous mark that generates worldwide recognition and attention by consumers and professionals alike;
- (ii) the Respondents intentionally used a common typo to the mark "PFIZER", exchanging the "f" for an "h", in order to confuse and divert customers from the Complainant's web sites;
- (iii) the pronunciation of the term "Phizer" and the mark "PFIZER" are identical;
- (iv) the Respondents seek to profit from this illegitimate use;
- (v) <phizer.com> is deliberately, misleadingly and confusingly similar to the Complainant's registered mark "PFIZER", which is legitimately used to identify the Complainant as the sole source of the drugs and to distinguish the Complainant's goods and services from the goods and services of others;
- (vi) the Respondents have no rights or legitimate interest in the use of <phizer.com>, and
- (vii) the Respondents provided incomplete registration information to the Registrar.

By using the contested domain name <phizer.com> to re-direct Internet users to the Respondents' web site, the Complainant contends that the Respondents have intentionally attempted to attract for financial gain Internet users to its web site by creating a likelihood of confusion with the Complainant's mark "PFIZER" as to the source, sponsorship, affiliation or endorsement of the Respondents' site. In that regard, the Complainant contends that the Respondents' actions are intentional, willful and in bad faith, and were committed with full knowledge of the ownership by the

Complainant of the mark "PFIZER" and the Complainant's exclusive rights to use and license such mark.

Specifically, the Complainant contends that the Respondents' use of the contested domain name which is confusingly similar to the mark "PFIZER" may prevent or hinder Internet users from accessing the Complainant's services on its own web site <pfizer.com> by confusing and/or frustrating prospective users. Once confused or frustrated, those users may stop searching for the Complainant's web site altogether. Once Internet users find themselves, not at the Complainant's site but, instead, at the <sunfinder.com> web site, those users may assume that the Complainant does not maintain a web site under its mark and may stop looking for such a site. Hence, the Complainant views that the Respondents' use of the contested domain name anticipates, relies on and profits from this consumer confusion or mistake.

Further, since Respondents provided false contact information to the registrar, the Complainant infer that the Respondents could only have registered the contested domain name in bad faith or for some abusive use.

Therefore, the Complainant concludes that the Respondents' conduct constitutes bad faith registration and use under paragraph 4(a)(iii) of the Policy.

B. Respondent

The Respondents have not filed any Response to the allegations raised in the Complaint.

6. Discussion and Findings

In view of the lack of a Response filed by the Respondents as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(e), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed representations. In that regard and apart from judging this proceeding through mere default of the Respondents, the Panel makes the following specific findings.

i. Similarity

The Panel finds that confusion would unquestionably arise -- and in fact is so intended -- as a result of the Respondents' current use of the contested domain name. Further, the Panel can conceive of no situation where confusion would not likely arise when and if any third-party not affiliated with the Complainant, to which the Respondents were to transfer the contested domain name, were to use that name with a web site offering goods identical and/or similar to those provided by the Complainant under its name and mark "PFIZER".

Further, merely substituting "f" in the mark "PFIZER" with "h" to yield the contested domain name, that is phonetically equivalent to the mark, is a change that is so de minimus that the only purpose which the Panel envisions behind the Respondents having done so is to cause and opportunistically exploit inevitable user confusion. There can be no question that this is the Respondents' goal. Otherwise, why would the Respondents have chosen a domain name that, given its slight alteration, remains phonetically equivalent to the Complainant's mark "PFIZER"?

Such confusion would undoubtedly cause Internet users intending to access the Complainant's web site, but who reach the Respondents' travel web site through the contested domain name, to think that an affiliation of some sort exists between the Complainant and the Respondents, when, in fact, no such relationship would exist at all. See, e.g., *Peter Frampton v. Frampton Enterprises, Inc.*, WIPO Case No. D2002-0141 (April 17, 2002); *MPL Communications, Limited and MPL Communications, Inc. v. LOVEARTH.net*, FA 97086 (Nat. Arb. Forum June 4, 2001); *MPL Communications, Limited et al v. IWebAddress.com*, FA 97092, (Nat. Arb. Forum June 4, 2001); *American Home Products Corp. v. Malgioglio*, WIPO Case No. D2000-1602 (February 19, 2001); *Surface Protection Indus., Inc. v. The Webposters*, WIPO Case No. D2000-1613 (February 5, 2001); *Dollar Financial Group, Inc. v. VQM NET*, FA 96101 (Nat. Arb. Forum January 25, 2001); *eBAY Inc. v. G L Liadis Computing, Ltd*, WIPO Case No. D2000-1463 (January 10, 2001); *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, FA 95856 (Nat. Arb. Forum December 18, 2000); and *The Pep Boys Manny, Moe and Jack of California v. E-Commerce Today, Ltd.*, AF-0145 (eResolution May 3, 2000).

In view of the Complainant's substantial and widespread use over the past 70 years of its mark "PFIZER" in connection with its various products, that mark has clearly become so distinctive, acquired such secondary meaning and hence fame to the point where a significant proportion of the world's population is likely to recognize that mark as signifying a specific, unique, and widely recognized source of pharmaceutical and chemical compounds. It is utterly inconceivable that, given this recognition, the Respondents were completely unaware of it when it registered the contested domain name.

Therefore, the Panel finds that the contested domain name <phizer.com> sufficiently resembles the Complainant's mark "PFIZER" as to cause confusion; hence, the Complainant has shown sufficient similarity between its mark and the contested domain name under paragraph 4(a)(i) of the Policy.

ii. Illegitimacy

Certainly given its federal (let alone overseas) trademark registrations, the Complainant has acquired exclusive rights to use its "Pfizer" Marks in conjunction with the goods which the Complainant has been providing under the mark "PFIZER" for more than seven decades. Furthermore, by virtue of having registered the mark "PFIZER", the US PTO has long ago recognized that this mark has acquired requisite secondary meaning in the marketplace.

The Panel believes that the Respondents has yet to provide any basis that would legitimize any claim it has to the contested domain name. In fact, it is extremely unlikely that the Respondents can even make such a claim.

The simple reason is that the contested domain name is phonetically equivalent with nearly identical spelling to the Complainant's mark "PFIZER" under which the Complainant provides its goods and has been doing so for approximately 70 years. Furthermore, the Complainant has never authorized the Respondents to utilize the mark "PFIZER", or a mark confusingly similar thereto, in conjunction with the specific goods which the Complainant provides under that mark, nor does the Complainant have any relationship or association whatsoever with the Respondents.

Hence, any use to which the Respondents were to put the mark "PFIZER" or a mark confusingly similar thereto, in connection with the goods presently provided by the

Complainant as well as those set forth in any of the Complainant's registrations would directly violate the exclusive trademark rights now residing in the Complainant. See, e.g., the *MPL Communications*, FA 97086 and FA 97092 decisions, cited *supra*; *America Online, Inc. v. Xianfeng Fu*, WIPO Case No. D2000-1374 (December 11, 2000), and *Treeforms, Inc. v. Cayne Ind. Sales Corp.*, cited *supra*.

It is eminently clear to this Panel that the Respondents, in choosing a domain name that at its essence is phonetically identical and hence confusingly similar to the Complainant's mark "PFIZER", is intentionally seeking to opportunistically exploit user confusion by diverting, through re-direction and diversion, Internet users away from the Complainant's site to the Respondents' web site for the latter's own pecuniary benefit, i.e., increased traffic to its travel web site and correspondingly increased sales therethrough. The Respondents are doing so by simply relying on expected user misspelling of the Complainant's mark "PFIZER" to directly capitalize on the reputation and fame of that mark -- to the Complainant's ultimate detriment and the Respondents' financial gain.

Such parasitic use, which at its essence relies on instigating and exacerbating user confusion, can not and does not constitute bona fide commercial or fair use sufficient to legitimize any rights and interests the Respondents might have in the contested domain name. See *Peter Frampton v. Frampton Enterprises, Inc.*, cited *supra*.

In light of the above findings, the Panel is not persuaded that the Respondents have any or, based on current facts provided to the Panel, is likely to acquire any rights or legitimate interests in the contested domain name under any provision of paragraph 4(c) of the Policy.

Thus, the Panel finds that the Respondents have no rights or legitimate interests in the contested domain name within paragraph 4(a)(ii) of the Policy.

iii. Bad Faith

The Panel firmly believes that the Respondents' actions constitute bad faith registration and use of the contested domain name.

It is inconceivable to this Panel that, when the Respondents chose and registered the contested domain name in 2002, it had not been fully aware of the Complainant's mark "PFIZER" and particularly the widespread reputation which that mark had attained as a result of the Complainant's long-term and on-going marketing and other efforts in the pharmaceutical field now stretching some 70 years.

There can be no question that the Respondents, having absolutely no association, relationship or affiliation whatsoever with the Complainant, nevertheless chose a phonetically equivalent and commonly misspelled variant of the mark (the latter conduct generally being referred to as "typosquatting") as the contested domain name with a clear intent of creating a likelihood of user confusion by suggesting to Internet users that such an association, relationship or affiliation exists -- which in fact it clearly does not, and by doing so create opportunities, to commercially benefit itself, that would invariably arise out of that confusion. Current web site naming conventions are such that Internet users now expect to reach a desired third-party site by entering, as a web address for that site, a mark owned by or associated with the third-party. Hence, it is highly foreseeable for such a user, who does not know the exact spelling of the Complainant's mark "PFIZER" to inadvertently misspell it as "PHIZER" and through doing so enter the contested domain name rather than that, <pfizer.com>, associated

with the Complainant's web site. Having done so, the user is then re-directed and diverted to the Respondents' web site that has absolutely nothing to do with the Complainant.

Such users amount to additional traffic that the Respondents would not otherwise obtain which, in all likelihood, results in a measure of additional revenue to the Respondents through transactions which some of those users might engage in as a result of having been diverted to that site. If the Respondents did not intend to reap financial gain of some sort through registering the contested domain name -- knowing it was engaging in typosquatting, then what other reason could the Respondents have realistically had in doing so? The Panel infers, by the lack of a Response, that no such reason exists.

The Panel finds such opportunistic registration of the contested domain name, which is a phonetic equivalent of the Complainant's mark, as indicative of bad faith registration and the subsequent use of that domain name, as an agent for re-direction and diversion, by the Respondents in an effort to benefit itself as bad faith use, both collectively actionable under paragraph 4(b)(iv) of the Policy. See, e.g., *Peter Frampton v. Frampton Enterprises, Inc.*, cited *supra*; and *Novus Credit Services Inc. v. Personal*, WIPO Case No. D2000-1158 (November 29, 2000).

Furthermore, the Panel's finding of bad faith use and registration is buttressed by the fact that the Respondents initially provided the registrar with incorrect contact information and then failed to correct it.

Thus, the Panel concludes that the Complainant has provided sufficient proof of its allegations to establish a prima facie case under paragraph 4(a) of the Policy upon which the relief it now seeks can be granted.

7. Decision

Accordingly, under paragraphs 4(i) of the Policy and 15 of the Rules, the Panel now grants the relief sought by the Complainant.

The contested domain name, specifically <phizer.com>, is ordered transferred to the Complainant.

Peter L. Michaelson, Esq.
Sole Panelist

Dated: July 3, 2002