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EXHIBIT A

ADMINISTRATIVE PANEL DECISION

Zydus Lifesciences Ltd. (formerly known as Cadila Healthcare Ltd.) v. Jewella Privacy LLC / DNS, Domain Privacy LTD
Case No. D2022-0880

1. The Parties

The Complainant is Zydus Lifesciences Ltd. (formerly known as “Cadila Healthcare Ltd.”), India, represented by AnantLaw, India.

The Respondent is Jewella Privacy LLC, United States of America (“United States” or “US”) / DNS, Domain Privacy LTD, United States, represented by Greenberg & Lieberman, United States.

2. The Domain Name and Registrar

The disputed domain name <zydus.com> (the “Disputed Domain Name”) is registered with Sea Wasp, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 14, 2022 against three domain names. On March 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the three domain names. On March 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the three domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On March 25, 2022, the Center received an email communication from the Respondent claiming that it has no relationship whatsoever with the registrants of the other two domain names. The Complainant filed an amended Complaint on March 31, 2022 only against the Disputed Domain Name.

The Center verified that the Complaint together with the amended 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 of the

Complaint, and the proceedings commenced on April 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2022. The Response was filed with the Center May 11, 2022.

The Center appointed Nick J. Gardner, Pablo A. Palazzi, and Alan L. Limbury as panelists in this matter on June 10, 2022. The Panel finds that it was properly constituted. Each member of 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 Panel prefaces this section by noting the Complainant has placed in evidence a very large volume of material without highlighting what within that material is of particular relevance. As best the Panel can determine without spending an inordinate amount of time analysing this material, the pertinent factual background is as follows.

The Complainant is a large Indian pharmaceutical company. Its turnover in 2021 was USD 1.98 billion. Its origins date back to 1952 as the following description shows. A pharmaceutical company called Cadila Laboratories Ltd. was founded in India in 1952. In 1995, Cadila Laboratories Ltd. was restructured and split into two companies called Cadila Pharmaceuticals Ltd. and Cadila Healthcare Ltd. It appears that at about this date Cadila Healthcare Limited adopted the term “ZYDUS” as a brand name for some of its products¹ – its earliest trademark for that term appears to be an Indian trademark filed in 1996 (No. 720998 filed September 2, 1996). It now owns some 140 trademarks which comprise or include the word “zydus” (these are referred to collectively in this decision as the “ZYDUS trademark”). The vast majority of these appear to be registered in India. The Panel has not identified in the evidence any US trademarks. It appears that at some stage Cadila Healthcare Limited adopted the term “ZydusCadila” as a trade name and it registered the domain name <zyduscadila.com> in 1999. It also appears that at some stage after 1995 it may have started describing the corporate group of companies made up of itself and its subsidiaries as the “Zydus Group”. Cadila Healthcare Ltd., changed its name to Zydus Lifesciences Ltd on February 24, 2022. The filed evidence shows the Complainant has won a number of awards which reference the name “Zydus” – these date from 2010 onwards. The evidence as to the extent of the Complainant’s activities outside India is unclear although it appears to have subsidiaries in a number of jurisdictions – it appears to operate in some 50 countries. Most of these subsidiaries now include the term “zydus” in their name although the Panel has found it impracticable to identify precisely when such names were first adopted. However so far as the US is concerned a company called Zydus Pharmaceuticals (USA) Inc. was incorporated as a wholly owned subsidiary in the US in 2003 and, according to the Complaint, “has come a long way since its first commercial launch in August 2005”. It appears to have acquired a number of other pharmaceutical companies in the US and at present it offers more than 450 different products to the US market and is ranked the sixth largest unbranded generic corporation in the US based on dispensed prescriptions.

The Disputed Domain Name was originally registered by the Respondent on November 17, 2004. At present it resolves via multiple redirections to unrelated third-party websites – the precise website appears to vary each time. The Complainant says that previously it has resolved to what seems from the description to be a standard pay-per-click (“PPC”) web page containing what are probably algorithmically generated links to third party websites. The Complainant has not however placed in evidence a copy of the page in question.

Between January and March 2022 the Respondent received approximately 20 unsolicited emails from various brokers seeking to buy the Disputed Domain Name for sums between USD 750 and USD 4,000. The underlying purchaser was not disclosed. The Respondent did not reply to any of these emails.

¹ There are at least two references in the Complaint that say the term Zydus was first adopted in 1952 but there is no evidence supporting any use of the term before 1995 and the Panel discounts these references.

5. Parties' Contentions

A. Complainant

The Complainant says that the Disputed Domain Name is identical to its ZYDUS trademark.

It then says that the Respondent has no rights or legitimate interests in the term "zydus". It says it has never authorized the Respondent to use the ZYDUS trademark and the Respondent is not commonly known by the mark ZYDUS. It says "the Complainant owned various trademark regulations in India and in other countries including US, before the disputed domain name(s) were registered" (note however it does not identify any specific US trademark in this respect and the Panel has been unable to find one in the copious evidence submitted).

The Complainant says that the Respondent's registration and use is in bad faith. It says "It can be inferred that the Respondent must have sufficiently known known about the Complaint's trademark and reputation before registering the Disputed Domain Name. Under this circumstance and in the absence of legitimate rights and interests, the Respondent still chose to register the Disputed Domain Name. The Complainant submits that the Respondent is not carrying on any legitimate business under the name Zydus on the domain <zydus.com> and that the Respondent is merely doing 'domain squatting'." And "Based upon the facts, it can be inferred that the Respondent must have sufficiently known known about the Complaint's trademark and reputation before registering the Disputed Domain Name. Under this circumstance and in the absence of legitimate rights and interests, the Respondent still chose to register the Disputed Domain Name, which signifies the presence of malicious intention on the part of the Respondent, to siphon and channel customers of Zydus". It also says "the disputed domain names presently resolve to an active website that offers competing business and services, which leads the Panel [sic] to believe that the Respondent was targeting the Complainant".

B. Respondent

The main points the Respondent makes are as follows.

It had no knowledge of the Complainant or its ZYDUS trademark when it registered the Disputed Domain Name. It is in the business of acquiring generic domain names which it uses for advertising purposes. The Disputed Domain Name was selected as part of the Respondent's business of registering generic domain names. It was chosen because "Zydus" means Jews or Jewish in Lithuanian and because of its generic nature. The Respondent purchased it for its inherent value and not because of any possible connection with the Complainant.

It says the Complaint has used the term "zyduscadila" until very recently and had no reputation in the term "zydus" outside India in 2004. It says the Complainant's website at "www.zyduscadila.com" only went live in 2003 and it had no separate reputation in the term "zydus" prior to the date the Disputed Domain Name was registered. It says that even now the only trademark for the term "zydus" that the Complainant has in the US is a pending application for "Zydus GA Care" which is not yet registered.

The Respondent also relies on the length of time it has used the Disputed Domain Name.

The Respondent provides a declaration from its principal confirming these matters and asks for a finding of reverse domain name hijacking. It relies on the various unsolicited emails it received in 2022 which it says must have been sent on behalf of the Complainant.

6. Discussion and Findings

Preliminary Matters

The Panel notes this is a case where one Respondent (DNS, Domain Privacy LTD) appears to be a privacy or proxy service.

The Panel in this case adopts the approach of most UDRP panels, as outlined in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 4.4.5, as follows:

"Panel discretion

In all cases involving a privacy or proxy service and irrespective of the disclosure of any underlying registrant, the appointed panel retains discretion to determine the respondent against which the case should proceed.

Depending on the facts and circumstances of a particular case, *e.g.*, where a timely disclosure is made, and there is no indication of a relationship beyond the provision of privacy or proxy registration services, a panel may find it appropriate to apply its discretion to record only the underlying registrant as the named respondent. On the other hand, *e.g.*, where there is no clear disclosure, or there is some indication that the privacy or proxy provider is somehow related to the underlying registrant or use of the particular domain name, a panel may find it appropriate to record both the privacy or proxy service and any nominally underlying registrant as the named respondent."

In the present case the Panel considers the substantive Respondent to be Jewella Privacy LLC, and references to the Respondent are to that person.

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel in respect of the Disputed Domain Name that:

- (i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark 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 has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has rights in the ZYDUS trademark. The Panel finds the Disputed Domain Name is identical to this trademark. It is well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly the Panel finds that the Disputed Domain Name is identical to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to the Respondent of the dispute, use of, or demonstrable preparations to use, the

Disputed Domain Name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) the Respondent has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present case. However this list is non-exhaustive. As a general principle the Panel considers that aggregators/resellers of domain names are entitled to register dictionary words, acronyms and common phrases and have a legitimate interest in so doing. That is subject to the proviso this is not done with the intent to target a trademark holder.

[WIPO Overview 3.0](#) at section 2.1 addresses this issue as follows “For example, generally speaking, panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be *bona fide* and is not per se illegitimate under the UDRP”.

The Panel agrees with this view and considers the same principles apply where a domain name reseller registers a longer character string simply because it considers that string is attractive and likely to be of value. Again this must be done without intent to target a trademark holder. See in this regard *Tenaris Connections BV v. Domain Admin, HugeDomains.com* WIPO Case No. [D2018-1849](#) – a case which is very similar to the present case.

For reasons discussed in section C below the Panel considers that the Respondent has simply registered a character string it considered attractive and likely to be of value, and did so without knowledge of the Complainant or the ZYDUS trademark.

Accordingly the Panel considers that the Complainant has failed to carry its burden under this element.

C. Registered and Used in Bad Faith

The Panel declines to find that the Disputed Domain Name has been registered and used in bad faith. Although the Complainant has submitted a large amount of material in evidence, that material singularly fails to address the fact that the Respondent registered the Disputed Domain Name in 2004 and that there is no evidence in the Complaint of the Complainant having any reputation outside India in the term “zydus” as at that date. Its usage as at that date appears to be confined to India and even there the Panel is unable to ascertain how well known the term was to the general public. The website at “[www.zyduscadila.com](#)” contained, in 2003 the following statement: “we aim to be leading Asian player by 2010 and a global player by 2020”. That would seem to confirm the limited extent of the Complainant’s international reputation as at 2003 and 2004.

The term “zydus” is a coined word with no meaning in the English language. It is however a five-letter character string which is pronounceable and likely to be of inherent value as a domain name for that reason. The Panel regards with skepticism the Respondent’s claim that it registered the Disputed Domain Name because of its meaning in Lithuanian. It can however accept it registered it because of its inherent value as a five-letter character string. There is no evidence to suggest there is any reason why the Respondent should have any knowledge of the Complainant or the ZYDUS trademark when it did so. The Panel sees no reason to disbelieve the Respondent when it says it had never heard of the Complainant or the ZYDUS trademark when it registered the Disputed Domain Name. The Respondent is using the Disputed Domain Name as part of its advertising business which is in principle a *bona fide* business activity and does not amount to bad faith in the circumstances. Furthermore the fact that the Respondent ignored all offers seeking to purchase the Disputed Domain Name is inconsistent with the Complainant’s analysis of the Respondent’s motives.

So far as the other factors relied upon by the Complainant are concerned the Respondent's alleged targeting of the Complainant is not supported by evidence. The Complaint rather than placing in evidence a copy of the webpage it relies upon, sought to describe it, but in any event its description of that page is of a generic PPC page without any evidence of any specific targeting. The Panel considers that in circumstances where a domain name has been legitimately acquired for its generic properties, linking that domain name to a parking page which automatically generates links to third party websites based on the generic properties of the domain name does not amount to bad faith use absent any specific targeting of the Complainant. The Complaint describes the Respondent's website as showing advertisements related to "Zydus Pharma", "India Pharma" and "Job Vacancies". If the Panel is correct that these are algorithmically generated links, and the page was accessed in India (as seems likely) the Panel is not particularly surprised it returned links which may relate to the Complainant. While the presence of "click through" links may in appropriate cases form a basis to show targeting, in the specific circumstances of this case, and in particular without additional supporting evidence of targeting, the facts as described in the Complaint do not in the Panel's opinion establish that the Respondent was deliberately targeting the Complainant. The Panel therefore concludes that in this case even if the Disputed Domain Name was used in the manner described by the Complainant that does not support any finding of bad faith.

Accordingly the Complainant has failed to establish that the third condition of paragraph 4(a) of the Policy has been fulfilled.

7. Reverse Domain Name Hijacking

Reverse Domain Name Hijacking ("RDNH") is defined under the Rules as "using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name".

Paragraph 15(e) of the Rules provides that, if "after considering the submissions the panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or was brought primarily to harass the domain-name holder, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding".

As set out in the [WIPO Overview 3.0](#) section 4.16, reasons articulated by panels for finding RDNH include: (i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant's lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (such as registration of the disputed domain name well before the complainant acquired trademark rights, (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database, (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which *prima facie* justify advancing an alternative legal argument, (iv) the provision of false evidence, or otherwise attempting to mislead the panel, (v) the provision of intentionally incomplete material evidence – often clarified by the respondent, (vi) the complainant's failure to disclose that a case is a UDRP refiling, (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis, (viii) basing a complaint on only the barest of allegations without any supporting evidence".

The Complainant is professionally represented in this matter and, in the opinion of the Panel, knew or ought to have known that it had no reasonable chance of prevailing in this proceeding for the reasons set out above. In particular the Complainant has in large measure ignored the key issue – the fact that the Respondent acquired the Disputed Domain Name in 2004. The Complaint has instead simply produced voluminous evidence directed at events after that date. Further the Complaint contains statements which are, at least on the evidence as filed, inaccurate – specifically that the Complainant's predecessor had in some way adopted the term Zydus from 1952 and that the Complainant owned a US trademark registration

for the term ZYDUS prior to the date the Disputed Domain Name was registered. The Panel also accept the Respondent's case that it is more likely than not that the numerous unsolicited offers to buy the Disputed Domain Name received by the Respondent in early 2022 were made on behalf of the Complainant. These offers were undisclosed by the Complainant in the Complaint and would appear to indicate the Complainant knew it did not have prior rights that would allow it to recover the Disputed Domain Name. At the very least the Complainant should have disclosed it had made these offers and explained why it had done so given the nature of the case it advanced in the Complaint.

The Panel is also of the view that the sheer volume of material produced by the Complainant, without a proper referencing to indicate the key parts of this material, tended to obfuscate matters in a manner the Panel found unhelpful.

Taking all of the above into account the Panel considers it appropriate to find that the Complainant was brought in bad faith and constitutes an abuse of the administrative proceeding.

8. Decision

For the foregoing reasons, the Complaint is denied. The Panel finds that the Complainant was brought in bad faith and constitutes an abuse of the administrative proceeding.

/Nick J. Gardner/
Nick J. Gardner
Presiding Panelist

/Pablo A. Palazzi/
Pablo A. Palazzi
Panelist

/Alan L. Limbury/
Alan L. Limbury
Panelist
Date: June 24, 2022

EXHIBIT B

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Zydus Lifesciences Ltd.(formerly known as "Cadila Healthcare Ltd."))	
)	RESPONSE
Address: Contact Information Redacted)	
)	Domain Name(s) In Dispute:
)	zydus.com
)	
(Complainant))	Case No. D2022-0880
)	
-v-)	
)	
Jewella Privacy LLC Privacy Contact Information Redacted)	
)	
)	
Sea Wasp, LLC Contact Information Redacted)	
)	
)	
(Respondents))	

**RESPONSE IN ACCORDANCE WITH
THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

1. This Response is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (ICANN Rules), adopted by ICANN on August 26, 1999 and approved by ICANN on October 24, 1999, and Supplemental Rules (Supp. Rules). ICANN Rule 5(b).

2. **RESPONDENT'S AUTHORIZED REPRESENTATIVE**

For purposes of this administrative hearing, pursuant to Rule ¶ 5(b)(ii), Respondent designates the following authorized representative:

- a. Name: Stevan Lieberman
Greenberg & Lieberman, LLC
- b. Address: Contact Information Redacted

- c. Telephone: Contact Information Redacted
- d. Fax:
- e. E-Mail:

The Respondent’s preferred method for communications directed to the Respondent in the administrative proceeding: ICANN Rule 5(b)(iii).

Electronic-Only Material

- a. Method: E-mail
- b. Address: Contact Information Redacted
- c. Contact: Stevan Lieberman

Material Including Hard Copy

- a. Method: Fax
- b. Fax: Contact Information Redacted
- c. Contact: Stevan Lieberman

3. **THREE-MEMBER PANEL ELECTION**

Respondent elects a three-member panel. ICANN Rule 6(c).

4. **RESPONSE TO COMPLAINT**

Respondent respectfully submits the following facts and arguments to the Panel in this action.

a. Introduction

The Complainant has abused this administrative proceeding in an attempt to rob the Respondent of the domain name <zydus.com> (hereinafter “Zydus.com,” “Domain” or the “Disputed Domain”). Respondent buys, sells and uses generic domain names to provide advertising for others as a business. (See Exhibit 1, Declaration of Russ Goodwin, (Hereinafter “Exhibit 1 – Goodwin Dec.”) ¶ 2) Respondent registered <Zydus.com> as the original registrant on 2004-11-17 because it was a five-letter generic word for Jews or Jewish in Lithuanian. (See Exhibit C – Google Translate). (Exhibit 1 – Goodwin Dec. ¶ 3) As part of Tidewinds business plan it registers domain names that are dictionary words. (Exhibit 1 – Goodwin Dec. ¶ 4) Since the date of registration, and to this very day, the domain name has been used for advertising for others. (Exhibit 1 – Goodwin Dec. ¶ 5) (See Exhibit E – Zydus

webpage as of April 28, 2022).¹ Respondent had never heard of Complainant at the time he registered the domain name and in fact did not know about Complainant until the filing of this action. (Exhibit 1 – Goodwin Dec. ¶ 6). Respondent received its first correspondence ever pertaining to the domain name on January 10, 2022 and then an additional 18 emails asking to buy the domain name for as little as \$750 and as much as \$4000 through March 19, 2022. The emails were sent from three different domain brokers which, upon information and belief, were representing Complainant. (See Exhibit D – correspondence) (Exhibit 1 – Goodwin Dec. ¶ 7) Complainant, changed its name to Zydus Lifesciences limited on February 22, 2022. (See Exhibit B) Complainant claims its first commercial launch using the name Zydus Pharmaceuticals, Inc. was in 2005 (See complaint ¶19) a year after Registrant’s acquisition of the domain name. Complainant makes much of its claimed use of first use in 1952 (see complaint ¶ 15), but glosses over the fact that this was in India and that it did not in fact enter the US market until 2003 (See Exhibit F - Wayback - ZydusCadila.com 2000-August 2003). At the time and up until Complainant decided to change its name, which was, upon information and belief, some time at the end of 2021 or certainly in January of 2022 when it began trying to buy the name, it used and uses the domain name Zyduscadila.com which it registered in 1999. (See Complaint ¶ 29). Complainant even boldly states that it wishes to switch its domain name to Zydus.com providing the actual reason it has filed this UDRP bringing into question its claims in this filing. (Id.) Complainant fails to comment on why it (a) did not register the domain name Zydus.com when it was available in 1999 and instead registered Zyduscadila.com, (b) why it waited over 18 years to make a claim to Zydus.com and (c) why it thinks it can have an exclusive right to a generic word especially in this case where Complainant’s and Respondent’s goods and services are so different.

The Panel should find the Complainant has not carried its tripartite burden of proof under the Policy and find the Complainant has engaged in Reverse Domain Name Hijacking.

¹ Please note that the advertisements shown on the Zydus.com webpage change based on who goes to the webpage and who is placing. Advertisements on google.

b. Respondent has both legitimate interests in the domain name and did not register or use the domain name in bad faith.

i. Respondent is a Good-faith Registrant and has legitimate rights to the Generic term Zydus which is a dictionary word

It is well established that the first party to register a domain name without intentions to take advantage of another's reputation has committed no actionable wrong.² Respondent did not know of Complainant when it registered the Domain. (See Goodwin Dec. ¶ 6) There is nothing in the WIPO Final Report or the Policy that outlaws registering generic terms. Trademark law confers no legal right to a domain name corresponding to a trademark unless the choice violates the Policy.³

Zydus is the generic word for Jews or Jewish in Lithuanian. (See Exhibit C – Google and DeepL Translate). Complainant has not provided any evidence of Respondent targeting Complainant, and as such this Complaint cannot support forfeiture.⁴ Common words, random letters, and even acronymic trademarks are as likely as generic terms to be on the lower end of protectability, unless they have achieved suggestive status or above on the classification scale.⁵

As several ICANN panels have observed:

Where the domain name and trademark in question are generic—and in particular where they comprise no more than a single, short, common term—the rights/ interests inquiry is more likely to favor the domain name owner. The ICANN Policy is very narrow in scope; it covers only clear cases of “cybersquatting” and “cyberpiracy,” not every dispute that might arise over a domain name. [Second Staff Report on Implementation Documents for the

² *Aena, S.A., ENAIRE v. John Hamblin, All England Netball Association*, D2015-0996 (WIPO July 17, 2015) (AENA and acronym for “All England Netball Association”).

³ *David Tobin v. ZeitGeist Corp.*, FA1112001421947 (Forum February 13, 2012) (“Before applying to register the trademark, Complainant discovered in 2007 that the corresponding Domain Name [<audiojack.com>] was taken. After contacting the former owner, Complainant awaited the expiry of the Domain Name registration and then found that it had been acquired by Respondent, a company that buys domains for the sole purpose of inflating the cost and selling to the highest bidder.” Complaint dismissed against current Respondent). See also *Wirecard AG v. Telepathy Inc., Development Services*, D2015-0703 (WIPO June 22, 2015) (<boon.com>). (1) No fraud in counter-offering to sell domain names for substantial sums; 2) No condemnation of domain name holders for maximizing their profits on domain names acquired many years prior to complainant’s trademark rights; 3) No illegitimacy in being a “professional domain grabber.”

⁴ *Enrique Salinas Pérez v. Buydomains.com, Inventory Management*, D2011-1950 (WIPO January 25, 2012) (<solanum.com>, a botanical, dictionary word. “While the Complainant has recently registered a trademark in [Respondent’s] jurisdiction, this was not in force when the Respondent registered the disputed domain name.”)

⁵ The Panel in *Physik Instrumente GmbH. & Co. v. Stefan Kerner and Jeremy Kerner and Magic Moments Design Limited*, D2000-1001 (WIPO October 3, 2000) (<pi.com>) rejected Complainant’s analogy of “pi” with the iconic status of “vw” and “ibm.”

Uniform Dispute Resolution Policy (Oct. 24, 1999); *see also Ultrafem, Inc. v. Royal*, 97682 (NAF Aug. 2, 2001).]

The Respondent did not register the Disputed Domain primarily for the purpose of preventing “the owner of the trademark or service mark from reflecting the mark in a corresponding domain name,” because Respondent had no knowledge of Complainant prior to registering the domain name. (See Goodwin Dec. ¶ 6) It should be noted that Complainant did not get up its US webpage until August of 2003 (See Exhibit F – ZydusCadilla.com from Archive.org) making it highly improbable that someone not in the pharmaceutical industry know anything about Complainant.

Respondent, a domainer by trade, not being interested in selling the domain name Zydus.com did not respond to any of Complainant’s offers to buy the domain name. (See Exhibit D – correspondence) (Exhibit 1 – Goodwin Dec. ¶ 8) Domainers (i.e., someone whose business is to exploit domain names for their commercial value⁶) are engaged in lawful economic transactions. (Decisions too numerous to cite but see *Solon AG v. eXpensiveDomains.com Project*, D2008-0881 (WIPO August 1, 2008)). The Aubert International Panel noted that

“ . . . [T]here is nothing per se inimical to the Policy in dealing in domain names or the creation of large domain name portfolios for the purposes of financial gain . . . ”

(see *Aubert International SAS and Aubert France SA v. Tucows.com Co.*, D2008-1986 (WIPO March 17, 2009). Moreover, common words used in their ordinary senses and “registered because of their attraction as dictionary words, and not for their value as trademarks” do not contravene the Policy. *The Landmark Group v. Digimedia L.P.*, FA 285459 (Forum August 6, 2004). As in trademark infringement, domain name may be confusingly similar to complainant’s trademark, but if it is

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Nominet UK, the “.uk” registry, defines “domainer” as “someone who buys and sells domain name registrations, often generating income through domain parking and/or website development, with the main purpose of generating revenue from advertising click through. Income is also generated through sales, advertising and affiliate commissions.” (see also *Airtango AG v. Privacydotlink Customer 2290723 / Gustavo Winchester*, D2017-2095 (WIPO December 11, 2017))

composed of common dictionary words the Complainant's burden is much higher. See *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992).

Respondent did not intend to create a likelihood of confusion or disrupt Complainant's business. UDRP ¶ 4(b). (See Goodwin Dec. ¶ 9). In short, the Respondent is a good-faith registrant of the Disputed Domain which it has shown it uses in its day to day business.

c. Unsubstantiated Allegations and Unmet Burden of Proof

To the extent that the Complainant has made a *prima facie* case sufficient to shift the burden of proof to the Respondent in this matter, the Respondent has rebutted the assertions. The Complainant has only made general statements that Respondent has no legitimate interest in the Domain and that registration was in bad faith but has not submitted ANY evidence to establish either, in particular bad faith by Respondent. *Graman USA Inc. v. Shenzhen Graman Indus. Co.*, FA 133676 (Nat. Arb. Forum January 16, 2003) (finding that general allegations of bad faith without supporting facts or specific examples do not supply a sufficient basis upon which the Panel may conclude that Respondent acted in bad faith); *see also Nike, Inc. v. Crystal International*, D2002-0352 (WIPO August 2, 2002) ("Assertions that any use of the Domain Name by another party would likely mislead or deceive the Complainant's customers, without evidence, is not of much use."). In the current matter the Complainant has not and cannot show either registration or bad faith use of the mark. Complainant has failed to present any facts that show a nexus between Respondent's registration and Complainant's use and as such this UDRP must fail.

d. The Marks are not the Same

Complainant submits numerous trademarks and Respondent admits that it does have foreign registrations of the word mark Zydus. However, an USPTO search for the mark Zydus reveals that Complainant has only 15 live marks filed in the US and that only one of the marks (Zydus GA Care,

Serial # 88764379 which is not yet registered) includes the word Zydus. Respondent is based in the United States and has no contacts to India. (See Goodwin Dec. ¶ 1)

e. Laches

The Policy in Paragraph 4(c)(i) enshrines a principle that is a near companion to laches, namely that respondent can accrue rights or legitimate interest if “before any notice to you of the dispute” you (respondent) are using “the domain name in connection with a bona fide offering of goods or services.”⁷ Lapse of time under these circumstances has the effect of legitimizing the registration, resulting in a laches like outcome.⁸ Advertising for others through parked pages has been held to be a valid use of a domain name which gives the user common law trademark rights. (See Exhibit I - Weitzman Magistrates Report.pdf) Specifically the court therein held “As a result of Plaintiff’s registration and use of the Domain Names, Plaintiff now owns common law rights to the trademarks and is using them to generate income by providing online advertising and marketing services for others.” *Id.* P. 7 In the current circumstances, Respondent began using the domain on a parked page, providing online advertising and marketing services for others in 2004 in the same fashion as today. (See Goodwin Dec. ¶ 3, 5) Accordingly, Tidewinds has common law rights to the mark Zydus for advertising services which is a service not provided by Complainant.

⁷ Denying complaint where there is no evidence of any act of infringing conduct. See for example Novartis AG v. Name Administration Inc. (BVI), FA1403001548210 (Forum April 24, 2014) (<clearcare.com>. “[U]nrelated hyperlink directory cannot rightfully constitute a Policy ¶ 4(b)(iii) bad faith disruption of Complainant’s business.”) Under U.S. law, see Internet Specialties West, Inc. v. Milon-Digiorgio Enterprises, Inc., 2009 U.S. App. Lexis 5454, 15 (9th Cir. 2009) in which the Court held that laches is a viable defense to a claim for trademark infringement under the Lanham Act if “during the plaintiff’s delay in bringing suit, the infringer developed an identity as a business based on the mark.”
⁸ Bosco Prod., Inc. v. Bosco email Servs., FA 94828 (Forum June 29, 2000) (<bosco.com> for “vanity e-mail” service. “Without determining if the passage of considerable time would alone bar Complainant from relief in this proceeding, the Panel notes that Complainant does not explain why it has waited nearly four years to try and resolve [the domain name dispute].”) Laches expressly applied in Laminex, Inc. v. Yan Smith, FA1211001470990 (Forum January 7, 2013); In Javier Zetter Casillas v. Domain Hostmaster/Vertical Axis Inc., D2014-0400 (WIPO June 6, 2014) in which Complainant waited over eight years from the date the Respondent purchased the disputed domain name [<bigbang.com>] to file a Complaint. “The Panel finds the long delay unexplained and detrimental since it makes it harder to ascertain the motives of the parties so long ago”; Dealhunter A/S v. Richard Chiang, D2014-0766 (WIPO July 17, 2014) (“Opinions have differed on the applicability of laches or delay in UDRP proceedings. This Panel’s view is that delay in filing a complaint is not an automatic bar to a complaint, but nor can it be ignored, for all the facts must be taken into account in all proceedings and a decision made in the light of all the circumstances of the individual case.”)

Complainant claims rights to the mark in association with pharmaceuticals, beginning in 1996 and registered the domain name ZydusCadilla.com in 1999 showing its awareness of the Internet at the time. (See Complaint para 24). Complainant failed to register the domain name Zydus.com when it was available and said nothing from 2004 to 2022 (18 years). The long delay clearly shows Complainant's unlawful use of the UDRP process to attempt to steal Respondent's domain name.

f. Reverse Domain Name Hijacking

The Complainant had no bona fide basis for commencing this proceeding under the UDRP and is culpable for reverse domain name hijacking under ¶ 15I of the UDRP. This is an attempt by Complaint to seize a domain name with no right to do so. *Lockheed Martin Corporation v. The Skunkworx Custom Cycle*, D2004-0824 (WIPO January 18, 2005).

Reverse domain name hijacking occurs where, as here, a complainant knows there is no plausible basis for a complaint. *Prom Software, Inc. v. Reflex Publishing, Inc.*, Case No. D2001-1154 (NAF Mar. 4, 2002) (“Complainant’s knowingly flimsy claim not only wholly fails to meet the threshold showing for transfer of the domain name at issue, but also constitutes reverse domain name hijacking.”); *Maine Bait Company v. Robin Brooks*, No.98246 (NAF Aug. 28, 2001) (“it [is] troubling when a Complainant attempts to use this forum to take away a domain name where any reasonable review of the ICANN Policies and Rules would show that the Complainant’s case is extremely weak.”); *Supremo n.v./s.a. v. Rao Tella*, No.D2001-1357 (WIPO Feb. 15, 2002) (“The name was a generic one used in many trademarks and websites that it should have been apparent to the Complainant that it could not prove all the elements required by the Policy.”).

In the current matter Complainant is represented by a number of attorneys from AnantLaw (See <https://anantlaw.com/expertise/intellectual-property-rights/>) including Rahul Goel and Any Monga who claim to have a focus on intellectual property (See Exhibit H – Anantlaw IP website). Any attorney with a focus on IP must know that no entity can have a right in gross to a mark that is also a generic

word and in particular that with 18 years prior use in alternative goods and services that a UDRP filing could not possibly be successful. Additionally, it was these attorney's obligation to notify their client that there was no basis for an UDRP filing in particular where, as in this case, the Complainant first attempted to buy the domain name, thus acknowledging the Respondent's rights to the domain. Accordingly, it is clear that reverse domain name hijacking is an appropriate finding in this case.

5. OTHER LEGAL PROCEEDINGS

No other legal proceeding have been commenced between the parties.

6. RESPONSE TRANSMISSION

The Respondent asserts that a copy of this Response has been sent or transmitted to the Complainant, in accordance with ICANN Rule 2(b).

7. CERTIFICATION

The Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,
Tidewinds

By its attorney,

/s/Stevan Lieberman
Stevan Lieberman, Esq
Attorney for Respondent
Contact Information Redacted

Date: May 10, 2022

SCHEDULE OF EXHIBITES *ICANN Rule 3(b)(xv).*

Exhibit 1	Declaration of Russ Goodwin on behalf of Tidewinds
Exhibit A	Whois for Zydus.com
Exhibit B	Cadila Healthcare changes name to Zydus Lifesciences Limited Business Standard News
Exhibit C	Zydus means Jews or Jewish in Lithuanian
Exhibit D	Broker emails
Exhibit E	Zydus.com webpage
Exhibit F	Wayback - ZydusCadila.com 2000-August 2003
Exhibit G	USPTO search for Zydus
Exhibit H	Anantlaw IP website
Exhibit I	Weitzman Magistrates Report

EXHIBIT C

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert

Sent: Monday, January 10, 2022 9:04 AM

To: Contact Information Redacted

Subject: Offer for domain - ZYDUS.COM

Hello,

I'm contacting you today from GoDaddy's Domain Broker Team because we have a Buyer interested in purchasing your domain **ZYDUS.COM**. Please let me know if you are interested in selling this domain, and what your asking price would be. Our potential buyer has provided the following initial offer:

Offer Amount: \$750 USD (*buyer pays all commission*)

If you would like me to present a counter-offer to our buyer, or accept this initial offer please let me know. Your prompt consideration would be greatly appreciated. I look forward to speaking with you soon.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

Contact Information Redacted

Offer for domain - ZYDUS.COM

Mon, 10 Jan 2022 16:04:19 +0000

To: Contact Information Redacted

Hello,

I'm contacting you today from GoDaddy's Domain Broker Team because we have a Buyer interested in purchasing your domain **ZYDUS.COM**. Please let me know if you are interested in selling this domain, and what your asking price would be. Our potential buyer has provided the following initial offer:

Offer Amount: \$750 USD (*buyer pays all commission*)

If you would like me to present a counter-offer to our buyer, or accept this initial offer please let me know. Your prompt consideration would be greatly appreciated. I look forward to speaking with you soon.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert

Sent: Monday, January 10, 2022 9:04 AM

To: Contact Information Redacted

Subject: Offer for domain - ZYDUS.COM

Hello,

I'm contacting you today from GoDaddy's Domain Broker Team because we have a Buyer interested in purchasing your domain **ZYDUS.COM**. Please let me know if you are interested in selling this domain, and what your asking price would be. Our potential buyer has provided the following initial offer:

Offer Amount: \$750 USD (*buyer pays all commission*)

If you would like me to present a counter-offer to our buyer, or accept this initial offer please let me know. Your prompt consideration would be greatly appreciated. I look forward to speaking with you soon.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

and look forward to your response.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Monday, January 17, 2022 5:16 PM
To: Contact Information Redacted
Subject: Re: Offer for domain - ZYDUS.COM

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert
Sent: Monday, January 10, 2022 9:04 AM
To: Contact Information Redacted
Subject: Offer for domain - ZYDUS.COM

Hello,

Contact Information Redacted

Increased Offer for ZYDUS.COM
Fri, 21 Jan 2022 15:37:58 +0000
To: Contact Information Redacted

Hello,

I recently sent you an email with an offer for the domain name ZYDUS.COM. I know that you may have viewed the offer previously or you may not have been interested. Our Buyer has agreed to increase the offer and I have included the details below for your consideration.

Increased Offer Amount: \$2,000 USD (*Buyer pays all commissions*)

Please let us know if this offer is acceptable or if you have a different asking price in mind, I would like to update our Buyer ASAP. I greatly appreciate your communication and look forward to your response.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Monday, January 17, 2022 5:16 PM
To: Contact Information Redacted
Subject: Re: Offer for domain - ZYDUS.COM

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Friday, January 21, 2022 8:37 AM
To: Contact Information Redacted
Subject: Increased Offer for ZYDUS.COM

Hello,

I recently sent you an email with an offer for the domain name ZYDUS.COM. I know that you may have viewed the offer previously or you may not have been interested. Our Buyer has agreed to increase the offer and I have included the details below for your consideration.

Increased Offer Amount: \$2,000 USD (*Buyer pays all commissions*)

Please let us know if this offer is acceptable or if you have a different asking price in mind, I would like to update our Buyer ASAP. I greatly appreciate your communication and look forward to your response.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Monday, January 17, 2022 5:16 PM
To: Contact Information Redacted
Subject: Re: Offer for domain - ZYDUS.COM

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Wednesday, January 26, 2022 5:15 PM
To: Contact Information Redacted
Subject: Re: Increased Offer for ZYDUS.COM

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Friday, January 21, 2022 8:37 AM
To: Contact Information Redacted
Subject: Increased Offer for ZYDUS.COM

Hello,

I recently sent you an email with an offer for the domain name ZYDUS.COM. I know that you may have viewed the offer previously or you may not have been interested. Our Buyer has agreed to increase the offer and I have included the details below for your consideration.

Increased Offer Amount: \$2,000 USD (*Buyer pays all commissions*)

Please let us know if this offer is acceptable or if you have a different asking price in mind, I would like to update our Buyer ASAP. I greatly appreciate your communication

Contact Information Redacted

Re: Increased Offer for ZYDUS.COM

Thu, 27 Jan 2022 00:15:14 +0000

To: Contact Information Redacted

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted

Sent: Friday, January 21, 2022 8:37 AM

To: Contact Information Redacted

Subject: Increased Offer for ZYDUS.COM

Hello,

I recently sent you an email with an offer for the domain name ZYDUS.COM. I know that you may have viewed the offer previously or you may not have been interested. Our Buyer has agreed to increase the offer and I have included the details below for your consideration.

Increased Offer Amount: \$2,000 USD (*Buyer pays all commissions*)

Please let us know if this offer is acceptable or if you have a different asking price in mind, I would like to update our Buyer ASAP. I greatly appreciate your communication and look forward to your response.

Thanks.

Hugh Beckett

Inquiry for domain zydus.com

Mon, 31 Jan 2022 19:39:09 +0100

To: Contact Information Redacted

Hello,

I have a client who is interested in purchasing your domain name zydus.com. At the moment they are willing to offer \$1,000 in exchange for it. Please let me know if you would be willing to sell this domain as I am sure we can settle on a price that will please all parties.

Best regards,

Hugh Beckett
Domain Broker

--

Sedo.com, LLC

Contact Information Redacted

<https://sedo.com> • <mailto:Contact Information Redacted>

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Contact Information Redacted

Re: Increased Offer for ZYDUS.COM

Wed, 2 Feb 2022 19:14:46 +0000

To: Contact Information Redacted

Hello,

I wanted to follow up again about the ZYDUS.COM domain name and the buyer's most recent offer of \$2,000 USD.

Can I get a counter offer that you would be happy with?

Cash offers for domain names don't come around too often so I'd encourage you to provide a response while we still have a buyer interested in it.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted

Sent: Wednesday, January 26, 2022 5:15 PM

To: Contact Information Redacted

Subject: Re: Increased Offer for ZYDUS.COM

Hello,

I recently sent you an email with an offer to purchase this domain name.

Is there a \$ amount you would consider selling it for?

We can facilitate the entire process in-house for you and the other party is paying all broker/listing fees so any agreed upon price would be entirely net to you.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker

Hugh Beckett

Inquiry for your domain zydus.com

Thu, 3 Feb 2022 21:12:43 +0100

To: Contact Information Redacted

Hello,

I tried contacting you a few days ago regarding my clients offer for the domain zydus.com. At the time they were offering \$1,000 for it, an amount that should be viewed as more of an opening offer than a final price. If you are interested in selling this domain please reply to this email so that we can move on to serious negotiations. Or, if the domain is simply not for sale, please let me know so that I can spare you future emails. I look forward to hearing from you soon.

Best regards,

Hugh Beckett
Domain Broker

--

Sedo.com, LLC

Contact Information Redacted

<https://sedo.com> • <mailto:Contact Information Redacted>

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Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Wednesday, February 9, 2022 5:38 PM
To: Contact Information Redacted
Subject: Re: Increased Offer for ZYDUS.COM

Hello,

Is there a dollar amount that you'd consider selling the ZYDUS.COM domain name?

I'm a real person and my name is Richard – I work for GoDaddy's broker team. If you're not interested at any price, please say so. However, if there is a dollar amount that you'd consider, please hit the reply button and let me know.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted
Sent: Wednesday, February 2, 2022 12:14 PM
To: Contact Information Redacted
Subject: Re: Increased Offer for ZYDUS.COM

Hello,

I wanted to follow up again about the ZYDUS.COM domain name and the buyer's most recent offer of \$2,000 USD.

Can I get a counter offer that you would be happy with?

Cash offers for domain names don't come around too often so I'd encourage you to provide a response while we still have a buyer interested in it.

Thanks.

Contact Information Redacted

Re: Increased Offer for ZYDUS.COM

Thu, 10 Feb 2022 00:38:38 +0000

To: Contact Information Redacted

Hello,

Is there a dollar amount that you'd consider selling the ZYDUS.COM domain name?

I'm a real person and my name is Richard – I work for GoDaddy's broker team. If you're not interested at any price, please say so. However, if there is a dollar amount that you'd consider, please hit the reply button and let me know.

Thanks in advance for your consideration and I look forward to your response.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted

Sent: Wednesday, February 2, 2022 12:14 PM

To: Contact Information Redacted

Subject: Re: Increased Offer for ZYDUS.COM

Hello,

I wanted to follow up again about the ZYDUS.COM domain name and the buyer's most recent offer of \$2,000 USD.

Can I get a counter offer that you would be happy with?

Cash offers for domain names don't come around too often so I'd encourage you to provide a response while we still have a buyer interested in it.

Thanks.

Richard Biekert

Aftermarket Domain Broker

Hugh Beckett

Inquiry for domain zydus.com

Wed, 16 Feb 2022 22:07:12 +0100

To Contact Information Redacted

Hello,

I have been trying to contact you for some time now regarding my clients offer for the domain zydus.com. At the time they were offering \$1,000 for it, but as we were unable to get a reply out of you I advised them to offer more in the hopes that it might elicit a response. As a result of this I can now offer you \$3,000 for zydus.com. If you are interested in selling this domain please reply to this email so that we can move on to serious negotiations. Or, if the domain is simply not for sale, please let me know so that I can spare you future emails. I look forward to hearing from you soon.

Best regards,

Hugh Beckett
Domain Broker

--

Sedo.com, LLC

Contact Information Redacted

<https://sedo.com> • <mailto:Contact Information Redacted>

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Sami Barbar

zydus.com interested in domain

Thu, 20 Jan 2022 19:51:47 +0000

To: Contact Information Redacted

I'm interested in the domain zydus.com

Please let me know how I can buy it and how much.

Thanks.

Sam

Contact Information Redacted

Re: Increased Offer for ZYDUS.COM

Thu, 24 Feb 2022 21:18:12 +0000

To: Contact Information Redacted

Hello,

I wanted to follow up again about the ZYDUS.COM domain name and the buyer's most recent offer of \$2,000 USD.

Can I get a counter offer that you would be happy with?

Cash offers for domain names don't come around too often so I'd encourage you to provide a response while we still have a buyer interested in it.

Thanks.

Richard Biekert

Aftermarket Domain Broker



Contact Information Redacted

www.godaddy.com

From: Richard Biekert Contact Information Redacted

Sent: Wednesday, February 16, 2022 4:36 PM

To: Contact Information Redacted

Subject: Re: Increased Offer for ZYDUS.COM

Hello,

Can you think about what dollar amount it would take to sell this domain name?

Just about all domain names are for sale at a certain price, even if it's at a much higher price than the initial offer.

Can you think about this and let me know a dollar amount that would make sense for you?

Richard Biekert

Aftermarket Domain Broker

Hugh Beckett

zydus.com

Tue, 25 Jan 2022 18:23:59 +0100

To Contact Information Redacted

Hello,

I am representing a client who is interested in purchasing your domain name zydus.com. Please let me know if you would be willing to sell this domain so that I can make a formal offer. If you have a specific asking price in mind I would be happy to run it past my client and see if I can convince them to accept it.

Best regards,

Hugh Beckett
Domain Broker

--

Sedo.com, LLC

Contact Information Redacted

<https://sedo.com> • <mailto:Contact Information Redacted>

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Hugh Beckett

zydus.com

Fri, 25 Feb 2022 21:28:41 +0100

To: Contact Information Redacted

Hello,

My client can now offer \$4k for zydus.com. Please let me know if this gets us closer to a sale.

Best regards,

Hugh Beckett
Domain Broker

--

Sedo.com, LLC

Contact Information Redacted

<https://sedo.com> • <mailto:Contact Information Redacted>

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Sami Barbar

Re: zydus.com interested in domain

Sat, 19 Mar 2022 20:10:20 +0000

To: Contact Information Redacted

Could you help me buy the domain: zydus.com

I can pay you good. Please reach out to me. We can reach a good deal.

Thanks.

Sam

From: Sami Barbar

Sent: Thursday, January 20, 2022 2:51 PM

To: Contact Information Redacted

Subject: zydus.com interested in domain

I'm interested in the domain zydus.com

Please let me know how I can buy it and how much.

Thanks.

Sam

EXHIBIT D

Subject: Re: (PK) WIPO Case No. D2022-0880 Confirmation of Withdrawal of Domain names <zydus.com>
Date: Monday, 18 April 2022 at 7:06:04 PM India Standard Time
From: Stevan Lieberman
To: Shobhit Chaudhary
CC: Rahul Goel, Anu Monga, Contact Information Redacted
Attachments: image008.jpg, image010.jpg, image012.jpg, image014.png, image016.jpg, image018.jpg, image020.jpg, image.png, image.png, image.png, image.png, image.png, image.png, image.png, Outlook-j1cwsp2z.png

RULE 408 - FOR SETTLEMENT PURPOSES ONLY

Mr. Chaudhary,

Given your client's almost two decades of admitted laches, please let me know if you would like to discuss settlement before my client begins spending money on the response.

Thanks

Stevan
--

Stevan Lieberman | Member | Greenberg & Lieberman, LLC
Contact Information Redacted



Patents, Trademarks, Domain / Internet Law
Prosecution, Litigation, Brand Protection, Escrow

This email is Attorney-Client Confidential work product or communications. If you are not the intended recipient you must delete the email and notify the sender that you obtained the email and how it came into your possession. Settlement discussions shall not be taken as binding unless signed by the client via an attachment.

From: Shobhit Chaudhary Contact Information Redacted
Sent: Monday, April 18, 2022 1:12 AM
To: Disputes, Domain Contact Information Redacted
Cc: Rahul Goel Contact Information Redacted Anu Monga Contact Information Redacted

tevan Lieberman

Contact Information Redacted

Subject: (PK) WIPO Case No. D2022-0880 Confirmation of Withdrawal of Domain names <zydus.com>

Kind Attn.: Mr. Patrick K, The Case Officer

*Re: Confirmation of Withdrawal of Domain Names in Case No. **D2022-0880** <zydus.com>*

Dear Sir,

This has reference to the email dated 13 April 2022 concerning Case No. **D2022-0880**.

This is to confirm that the domain names <zydus.info> and <zydus.org> are hereby withdrawn from the complaint filed by us. As per the amended complaint, we wish to proceed only against the domain name <zydus.com>.

Should you require any further information or clarification, please feel free to contact us.

Best regards,

Shobhit Chaudhary
Authorised Representative for the Complainant

Mobile: Contact Information Redacted

E-mail: Contact Information Redacted



AnantLaw
Solicitors & Advocates
Contact Information Redacted



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From: Disputes, Domain Contact Information Redacted
Sent: 13 April 2022 12:26
To: Shobhit Chaudhary Contact Information Redacted
Cc: Rahul Goel Contact Information Redacted Anu Monga Contact Information Redacted

Stevan Lieberman

Contact Information Redacted

Subject: RE: Case No. D2022-0880 Submission of Amended Complaint <zydus.com>

Dear Complainant,

The Center acknowledges receipt of your amended Complaint. In this regard, please confirm that you wish to withdraw the domain names <zydus.info> and <zydus.org> from your Complaint, and proceed only against the domain name <zydus.com>.

Sincerely,

Patrick Kourié
Legal Case Manager

WIPO Arbitration and Mediation Center
Contact Information Redacted

W www.wipo.int/amc

* Please cite "(PK) WIPO Case #" in the subject line. Thank you.

From: Shobhit Chaudhary Contact Information Redacted
Sent: Thursday, March 31, 2022 7:56 PM
To: Disputes, Domain Contact Information Redacted
Cc: Rahul Goel Contact Information Redacted Anu Monga Contact Information Redacted
Subject: Re: Case No. D2022-0880 Submission of Amended Complaint <zydus.com>
Importance: High

Kind Attn.: Mr. Patrick K, The Case Officer

Re: Amended Complaint in Case No. **D2022-0880** <zydus.com>

Dear Sir,

This has reference to the email dated 25 March 2022 concerning Case No. D2022-0880. Attached please find the amended complaint.

As the counsel for the Complainant was unwell, we could not email the amended complaint on 30 March 2022. The present amended complaint is being filed with a delay of one (1) day and you are most humbly requested to condone the said delay of one day.

Kindly note that Annex 1, 2 and 3 have been amended along with the complaint and the remaining Annexes remain unchanged. However, all the Annexes are being refiled along with the amended complaint for the convenience of the Case Manager.

Should you require any further information or clarification, please feel free to contact us.

Best regards,

Shobhit Chaudhary

Authorised Representative for the Complainant

Mobile: Contact Information Redacted

E-mail: Contact Information Redacted



AnantLaw

Solicitors & Advocates

Contact Information Redacted



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EXHIBIT E

Welcome To Zydus Cadila



Enter

Site Designed and Hosted By
Daemon Information Systems Pvt. Ltd
Ahmedabad-India.
Contact Information Redacted



Know Us

In our effort to create a healthier world

Providing total healthcare solutions ranging from formulations, active pharmaceutical ingredients, vaccines, diagnostics, herbals, animal healthcare to cosmeceuticals.

In our desire to innovate through research

Working on frontier research areas of New Chemical Entities, New Drug Delivery Systems and Biotechnology, we aim to be a research-driven company.

In our urge to climb new growth peaks

Accelerating growth since 1996, the group has registered a CAGR of 25.47 % in its sales from Rs.2211.03 million in 1996 to Rs. 8624.58 million in 2002.

In our aspirations to shape tomorrow's world

Focussing on the lifestyle disorder segments such as cardiovasculars, anti-diabetics and neuropsychiatry, we have been introducing several need-based therapies, many of them for the first time in the country.

In our vision to lead

One of India's leading healthcare groups, we aim to be a leading Asian player by 2010 and a global player by 2020.

In our values and our core belief

We believe in offering products of the highest quality and supporting the hands that heal with innovative contribution in patient-care.

We are...



Top




Know Us Operations Pro Explore captures for this URL Commercial News

Excellent Q1 growth. Sales zooms by 16.1%, Net profit up by 32.6% Exports up by 33%. Zydus
> Zydus USA Website > Contract Manufacturing Website | Search | FAQs | SiteMap |

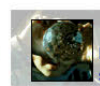


In our effort to create a healthier world


+ Enter Site



In our urge to climb new growth peaks



In our aspirations to shape tomorrow's world



In our values and our core belief

EXHIBIT F

Registration data lookup tool

Enter a [domain name](#) or an Internet number resource (IP Network or ASN)

[Frequently Asked Questions \(FAQ\)](#)
(/en/faq)

Lookup

By submitting any personal data, I acknowledge and agree that the personal data submitted by me will be processed in accordance with the ICANN [Privacy Policy \(https://www.icann.org/privacy/policy\)](https://www.icann.org/privacy/policy), and agree to abide by the website [Terms of Service \(https://www.icann.org/privacy/tos\)](https://www.icann.org/privacy/tos) and the [registration data lookup tool Terms of Use \(unsafe javascript:void\(0\)\)](#).

Domain Information

Name: ZYDUSUSA.COM

Registry Domain ID: 95506731_DOMAIN_COM-VRSN

Domain Status:

[clientDeleteProhibited \(https://icann.org/epp#clientDeleteProhibited\)](https://icann.org/epp#clientDeleteProhibited)
[clientRenewProhibited \(https://icann.org/epp#clientRenewProhibited\)](https://icann.org/epp#clientRenewProhibited)
[clientTransferProhibited \(https://icann.org/epp#clientTransferProhibited\)](https://icann.org/epp#clientTransferProhibited)
[clientUpdateProhibited \(https://icann.org/epp#clientUpdateProhibited\)](https://icann.org/epp#clientUpdateProhibited)

Nameservers:

NS75.DOMAINCONTROL.COM
NS76.DOMAINCONTROL.COM

Dates

Registry Expiration: 2023-03-05 19:03:18 UTC

Updated: 2022-03-06 17:43:05 UTC

Created: 2003-03-05 19:03:18 UTC

Contact Information

Registrant:

Handle: 1

Name: Registration Private

Organization: Domains By Proxy, LLC

Email: Select Contact Domain Holder link at <https://www.godaddy.com/whois/results.aspx?domain=ZYDUSUSA.COM>

Kind: individual

Mailing Address: DomainsByProxy.com Contact Information Redacted

Technical:

Handle: 3

Name: Registration Private

Organization: Domains By Proxy, LLC

Email: Select Contact Domain Holder link at <https://www.godaddy.com/whois/results.aspx?domain=ZYDUSUSA.COM>

Kind: individual

Mailing Address: DomainsByProxy.com Contact Information Redacted

Administrative:

Handle: 2

Name: Registration Private

Organization: Domains By Proxy, LLC

Email: Select Contact Domain Holder link at <https://www.godaddy.com/whois/results.aspx?domain=ZYDUSUSA.COM>

Kind: individual

Mailing Address: DomainsByProxy.com Contact Information Redacted

Billing:

Handle: 4

Name: Registration Private

Organization: Domains By Proxy, LLC

Email: Select Contact Domain Holder link at <https://www.godaddy.com/whois/results.aspx?domain=ZYDUSUSA.COM>

Kind: individual

Mailing Address: DomainsByProxy.com Contact Information Redacted

Registrar Information

Name: GoDaddy.com, LLC

IANA ID: 146

Abuse contact email: Contact Information Redacted

Abuse contact phone:

DNSSEC Information

Delegation Signed: Unsigned

Authoritative Servers

Registry Server URL: <https://rdap.verisign.com/com/v1/domain/zydususa.com> (<https://rdap.verisign.com/com/v1/domain/zydususa.com>)

Last updated from Registry RDAP DB: 2022-07-10 19:53:15 UTC

Registrar Server URL: <https://rdap.godaddy.com/v1/domain/ZYDUSUSA.COM> (<https://rdap.godaddy.com/v1/domain/ZYDUSUSA.COM>)

Last updated from Registrar RDAP DB: 2022-07-10 15:53:31 UTC

Notices and Remarks

Notices:

Status Codes

For more information on Whois status codes, please visit <https://www.icann.org/epp>
<https://www.icann.org/epp> (<https://www.icann.org/epp>)

RDDS Inaccuracy Complaint Form

URL of the ICANN RDDS Inaccuracy Complaint Form: <https://www.icann.org/wicf>
<https://www.icann.org/wicf> (<https://www.icann.org/wicf>)

Terms of Use

By submitting an inquiry, you agree to these Universal Terms of Service and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes, or use this data in any way that violates applicable laws and regulations.

<https://www.godaddy.com/agreements/showdoc?pageid=5403> (<https://www.godaddy.com/agreements/showdoc?pageid=5403>)



Youtube (<http://www.youtube.com/icannnews>)



Twitter (<https://www.twitter.com/icann>)



LinkedIn (<https://www.linkedin.com/company/icann>)



Flickr (<http://www.flickr.com/photos/icann/>)



Facebook (<http://www.facebook.com/icannorg>)



Newletters (<https://www.icann.org/resources/pages/global-newsletter-2018>)



Community Wiki (<https://community.wikimedia.org/wiki/ICANN>)



ICANN Blog (<https://www.icann.org/news/blog>)

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Transparency**

Governance

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EXHIBIT G

Registration data lookup tool

Enter a domain name or an Internet number resource (IP Network or ASN)

[Frequently Asked Questions \(FAQ\)](#)
(/en/faq)

Lookup

By submitting any personal data, I acknowledge and agree that the personal data submitted by me will be processed in accordance with the ICANN [Privacy Policy \(https://www.icann.org/privacy/policy\)](https://www.icann.org/privacy/policy), and agree to abide by the website [Terms of Service \(https://www.icann.org/privacy/tos\)](https://www.icann.org/privacy/tos) and the [registration data lookup tool Terms of Use \(unsafe javascript:void\(0\)\)](#).

Some elements in the RDAP response could not be parsed correctly. Please see the raw response for the full contents received from the RDAP server.

Domain Information

Name: ZYDUS.COM

Registry Domain ID: 135262348_DOMAIN_COM-VRSN

Domain Status:

[clientDeleteProhibited \(https://icann.org/epp#clientDeleteProhibited\)](https://icann.org/epp#clientDeleteProhibited)

[clientTransferProhibited \(https://icann.org/epp#clientTransferProhibited\)](https://icann.org/epp#clientTransferProhibited)

[clientUpdateProhibited \(https://icann.org/epp#clientUpdateProhibited\)](https://icann.org/epp#clientUpdateProhibited)

Nameservers:

NS1.PARKLOGIC.COM

NS2.PARKLOGIC.COM

NS3.PARKLOGIC.COM

NS4.PARKLOGIC.COM

Dates

Registry Expiration: 2022-11-17 19:04:52 UTC

Updated: 2022-03-15 16:55:47 UTC

Created: 2004-11-17 19:04:52 UTC

Contact Information

Registrant:

Handle: PRIVATE

Admin:

Handle: PRIVATE

Billing:

Handle: PRIVATE

Tech:

Handle: PRIVATE

Registrar Information

IANA ID: 411

DNSSEC Information

Delegation Signed: Unsigned

Authoritative Servers

Registry Server URL: <https://rdap.verisign.com/com/v1/domain/zydus.com> (<https://rdap.verisign.com/com/v1/domain/zydus.com>)

Last updated from Registry RDAP DB: 2022-07-10 19:54:29 UTC

Registrar Server URL: <https://rdap.fabulous.com/rdap/domain/ZYDUS.COM> (<https://rdap.fabulous.com/rdap/domain/ZYDUS.COM>)

Notices and Remarks

Notices:

Terms of Use

Service subject to Terms of Use

<https://rdap.fabulous.com/rdap/terms> (<https://rdap.fabulous.com/rdap/terms>)



Youtube (<http://www.youtube.com/icannnews>)



Twitter (<https://www.twitter.com/icann>)



Linkedin (<https://www.linkedin.com/company/icann>)



Flickr (<http://www.flickr.com/photos/icann/>)



Facebook (<http://www.facebook.com/icannorg>)



Newletters (<https://www.icann.org/resources/pages/global-newsletter-2018>)



Community Wiki (<https://community.wikia.com/wiki/ICANN>)



ICANN Blog (<https://www.icann.org/news/blog>)

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EXHIBIT H

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Zydus Lifesciences Ltd.

**(formerly known as “Cadila
Healthcare Ltd.”)**

Address

Zydus Corporate Park, Scheme No. 63,
Contact Information Redacted

(Complainant)

-v-

*DNS,
Domain Privacy LTD.*
Contact Information Redacted

<zydus.com>
C/o
Sea Wasp. LLC
Contact Information Redacted

(Respondents)

Disputed Domain Name(s): <zydus.com>

COMPLAINT

I. Introduction

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

II. The Parties

A. The Complainant

[2.] The Complainant in this administrative proceeding is *Zydus Lifesciences Ltd. (formerly known as "Cadila Healthcare Ltd.," known/ doing business as Zydus Cadila)* having its office at Zydus Corporate Park, Scheme No. 63, Survey No. 536 Khoraj (Gandhinagar), Nr. Vaishnodevi Circle, Ahmedabad – 382481 , Gujarat, India.

[3.] The Complainant's contact details are:

Address: Mukund Thakkar
Telephone: Contact Information Redacted
Fax: -
Email: Contact Information Redacted

[4.] The Complainant's authorized representative in this administrative proceeding are:

Rahul Goel (Partner)	AnantLaw
Mobile: Contact Information Redacted	Solicitors & Advocates
E-mail: Contact Information Redacted	Contact Information Redacted

Anu Monga (Partner)	AnantLaw
Mobile: Contact Information Redacted	Solicitors & Advocates
E-mail: Contact Information Redacted	Contact Information Redacted

Shobhit Chaudhary (Associate)	AnantLaw
Mobile: Contact Information Redacted	Contact Information Redacted
E-mail:	
Contact Information Redacted	

[5.] The Complainant's preferred method of communications directed to the Complainant in this administrative proceeding is:

Electronic-only material

Method: Email

Address: Contact Information Redacted

Contact: Rahul Goel

Material including hardcopy (where applicable)

Method: Post/Courier

Address: AnantLaw, Solicitors & Advocates, ^{Contact Information Redacted}

Fax: N/A

Contact: Rahul Goel

B. The Respondent

[6.] The Respondent has been identified for this complaint as disclosed by the Registrar and informed by the WIPO Arbitration and Mediation Center via E-mail dated 25 March 2022. The registrar has been identified as Sea Wasp, LLC for <zydus.com>. Information

of concerned registrar and entities identified with respect to the domain name is further provided in **Table – 1**.

[7.] The Respondent in this administrative proceeding is identified as DNS, Domain Privacy LTD. The identified entity is the listed registrant for the concerned domain name. A detailed depiction is provided in **Table – 1**.

[8.] Copies of the printout of the database search(es) on ICANN Lookup and WhoIs database of concerned registrar, conducted on February 17th, 2022 for the concerned domain name and the email from WIPO Arbitration and Mediation Center providing Registrar identified Registrant information are collectively provided as **Annex – 1**.

[9.] All information known to the Complainant, regarding the contact details of registrant identified as respondent along with details of Registrar and the WhoIs database of the concerned registrar is provided within **Table – 1**, This table and all the information contained within has been taken from either the ICANN Lookup or the respective WhoIs directories of the concerned registrar. The information within the table has been updated as per the Registrar-disclosed information received from the WIPO Arbitration and Mediation Center.

Table – 1

S. No.	Domain Name	Information of Registrant	Information of Registrar
1	<zydus.com>	DNS, Domain Privacy LTD, Contact Information Redacted	Sea Wasp, LLC (IANA ID: 411), www.fabulous.com Contact Information Redacted

		Date of registration of domain: November 17, 2004	WhoIs database: <fabulous.com/whois>
--	--	--	---

III. The Domain Name(s) and Registrar(s)

[10.] This dispute concerns the domain names identified below:

<zydus.com> Registered on November 17th, 2004;

[11.] The registrar with which the domain name is registered:

- a. Sea Wasp, LLC (IANA ID: 411), (www.fabulous.com) Phone Contact Information Redacted
Email: Contact Information Redacted

IV. Language of Proceedings

[12.] To the best of the Complainant's knowledge, the language of the Registration Agreement is English, a copy of which is provided as **Annex – 2** to this Complaint. The Complaint has been submitted in English. As both the Registration Agreement and the Complaint are in English. The requested language of proceeding should be in English, which will be most convenient for the parties.

V. Jurisdictional Basis for the Administrative Proceeding

[13.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the

domain name that is the subject of this Complaint are registered, incorporates the Policy. Paragraph 7 Clause (s) of the Sea Wasp LLC Registration Agreement clearly specify and make the Policy applicable to the domain name. A true and correct copy of the domain name dispute policy that applies to the domain name in question is provided as **Annex – 3** to this Complaint and can be found at <<https://fabulous.com/terms/doc/udrp.policy>> for Sea Wasp, LLC.

VI. Factual and Legal Grounds

- [14.] The complainant, Zydus Cadila/ Zydus, a leading Indian Pharmaceutical company is a fully integrated, global healthcare provider. With in-depth domain expertise in the field of healthcare, it has strong capabilities across the spectrum of the pharmaceutical value chain. From formulations to active pharmaceutical ingredients and animal healthcare products to wellness products, Zydus has earned a reputation amongst Indian pharmaceutical companies for providing comprehensive and complete healthcare solutions.
- [15.] One of the salient features of Zydus is its rich history and lineage. The origin of the company dates all the way back to the 1950s. A company called Cadila Laboratories Ltd. was founded in the year 1952 by Mr. Ramanbhai B. Patel (late), a first-generation entrepreneur and a doyen in the field of Indian Pharmaceuticals, alongwith his business partner Mr. Indravadan Modi.
- [16.] In 1995, the Cadila Laboratories Ltd. was restructured and split into two companies viz. Cadila Pharmaceuticals Ltd. and Cadila Healthcare Ltd. Thus was formed Cadila Healthcare, which adopted the distinct corporate identity of “ZYDUS” which is derived from the Greco-Roman word Zeus – The Greek God who stood for the welfare of the people. This was spelt as Zyus phonetically for proprietary reasons. The D representing the Dawn of a new era for the company was added to Zyus to get the name Zydus. From a humble turnover Rs. 2.5 billion (USD 33.13 million) in 1995 the group witnessed a significant financial growth and registered a turnover of over Rs. 150 billion (USD 1.98 billion) in FY-21. Adhering to its brand promise of being dedicated to life in all its dimensions, Zydus continues to innovate with an unswerving focus to address the unmet

healthcare needs. Simultaneously it rededicates itself to its mission of creating healthier, happier communities across the globe.

- [17.] Zydus Pharmaceuticals (USA) Inc. is the wholly owned subsidiary of Zydus Cadila (which is a global, fully integrated pharmaceutical company with a presence in 50 countries and is committed to growing its presence around the world and in the United States. Zydus products were developed to save and improve patients' lives).
- [18.] Since Zydus first entered the US market, it has purchased two facilities in the US – Neshor Pharmaceuticals in St. Louis, Missouri and Hercon Pharmaceuticals in York, PA. In 2017, Zydus also acquired Sentyln Therapeutics Inc., a specialty pharmaceutical company based in Solana Beach, CA. These acquisitions have helped Zydus to grow from a generic company focused on solid oral generics to a company that offers more complex dosage forms such as oral suspensions, modified release oral solids, transdermals, controlled substances, and injectables.
- [19.] Zydus Pharmaceuticals (USA) Inc., located in Pennington, New Jersey, has come a long way since its first commercial launch in August 2005. The company currently offers more than 450 SKUs to the US market and is ranked the sixth largest unbranded generic corporation in the US based on dispensed prescriptions (IQVIA, NPA Audit, MAT December 2021). Since Zydus first entered the US market, it has purchased two facilities in the US – Neshor Pharmaceuticals in St. Louis, Missouri and Hercon Pharmaceuticals in York, PA. In 2017, Zydus also acquired Sentyln Therapeutics Inc., a specialty pharmaceutical company based in Solana Beach, CA. These acquisitions have helped Zydus to grow from a generic company focused on solid oral generics to a company that offers more complex dosage forms such as oral suspensions, modified release oral solids, transdermals, controlled substances, and injectables.
- [20.] In 2014, Zydus launched the world's first *adalimumab biosimilar* under the brand name Exemptia at one-fifth the originator's price. Zydus has also launched its first research based drug molecule Saroglitazar in treatment of Diabetic Dyslipidemia under brand name "Lipaglyn". SoviHep is the first sofosbuvir brand launched in India by Zydus in year 2015.
- [21.] Zydus also came up with Sugar Free, a sweetener and sugar substitute made out of Stevia. It is extracted from a shrub called Stevia Rebaudiana, the Sugar Free Green Stevia is 100% Natural, helps control cholesterol, has zero calories and carbohydrates. Is the industry leading, cutting edge solution for sugar substitutes and diabetic patients.

- [22.] Zydus developed ZyCoV-D world's first Plasmid DNA Vaccine authorized for COVID-19. In addition to, India's first indigenously developed plasma DNA vaccine. ZyCoV-D is a three-dose intradermal vaccine, which is applied using The PharmaJet needle-free system, Tropis, which can significantly reduce any side effects. Also, being a plasmid DNA vaccine, ZyCoV-D doesn't display vector-based immunity concerns. A painless, needle-free injector delivers the immunization in a narrow fluid stream into the skin.
- [23.] It is submitted Zydus owns and uses, inter alia, the trademarks **ZYDUS and ZYDUS CADILA** among others. Which are associated with its goods, business, services etc. The said trademarks are registered in various classes in India and US.
- [24.] It is submitted that Zydus has used the trademarks **ZYDUS and ZYDUS CADILA** for over 26 years (since 1996) as the principal identifier of its business and the products it sells. Copies of Annual Reports dating back to 2002-03 and the recent 2020-21 have been enclosed in **Annex – 6C**, showing how strongly the mark **ZYDUS** is embedded with the Complainant and its commercial activities.
- [25.] The Complainant has various group companies in India with the word Zydus as their corporate names and one of them called Zydus Wellness Ltd. is a listed company on Indian Stock Exchanges.
- [26.] The complainant has exercised its rights to protect its IPR via judicial recourses multiple times. See, *IMPAX LABORATORIES, INC., Plaintiff, v. ZYDUS PHARMACEUTICALS (USA), INC. et al., Defendants*, Civil Action No. 17-13476 (SRC) 25-07-2019.
- [27.] It is also submitted that the complainant owns the trademark **ZYDUS** along with others, an exhaustive list of which along with details is provided in **Annex – 4A**. The certificates of all the trademarks owned by the complainant are enclosed as **Annex – 4C**. The complainant's trademark is registered in three countries including India, USA and Vietnam. The scanned copies of officially issued trademarks internationally and in India are enclosed within **Annex – 4D**.
- [28.] For undertaking business activities, the Complainant has incorporated various companies in India and abroad with prefix ZYDUS, the list of such Zydus Group companies are as follows :

Sl. No.	Name of the Entity	Country
1.	Zydus Healthcare Limited	India

2.	Zydus Technologies Limited	India
3.	Zydus Foundation	India
4.	Zydus Wellness Limited	India
5.	Zydus Wellness Products Limited	India
6.	Zydus International Private Limited	Ireland
7.	Zydus Healthcare SA (Pty.) Limited	South Africa
8.	Zydus Pharmaceuticals USA Inc.,	USA
9.	Zydus Healthcare USA LLC	USA
10.	Zydus Noveltech Inc.,	USA
11.	Zydus France SAS	France
12.	Zydus Netherlands BV	Netherlands
13.	Zydus Nikkho Farmaceutica Ltda	Brazil
14.	Zydus Lanka (Private) Limited	Sri Lanka
15.	Zydus Healthcare Philippines Inc.,	Philippines
16.	Zydus Worldwide DMCC	Dubai
17.	Zydus Discovery DMCC	Dubai
18.	Zydus Pharmaceuticals Mexico S.A. deCV	Mexico
19.	Zydus Pharmaceuticals Mexico Service Company SA deCV	Mexico
20.	Zydus Takeda Healthcare Private Limited	India
21.	Zydus Hospira Oncology Private Limited	India
22.	Bayer Zydus Pharma Private Limited	India

Hereto annexed and marked as **Annex – 6B** are copies of the Certificate of Incorporation of the above ZYDUS Group companies.

[29.] It is further submitted that, the domain name <zyduscadila.com> has been registered by the Complainant in the year 1999. A copy of the Registrar's WhoIs database confirming the same is provided in **Annex – 5**. The complainant has recently shifted their domain name temporarily to <zyduslife.com>. A copy of the news article announcing the launch of this website and a printout of the homepage of the new domain name. The Complainant wishes to switch to <zydus.com> once the disputed domain name is transferred to them as a result of having legitimate rights in it.

[30.] The Complainant has registered a large number of domain names comprising of the word **ZYDUS** to protect its brand online on the world wide web. An exhaustive list of all these domain names along with copies of WhoIs database search of these domain names is enclosed within the **Annex – 5**.

[31.] The Incorporation certificate of Zydus Lifesciences Ltd. is enclosed within **Annex – 6D**

[32.] The complainant further submits that the Respondent is neither commonly known as **Zydus** nor making a legitimate or fair use of the said domain names.

[33.] That, the Complainant has bonafide right in the registered trademark **ZYDUS** and the Respondent has no right or legitimate interest in the domain names and has got it registered for unjust enrichment. The domain name has been used in bad faith and therefore the Respondent is not entitled to retain the said the domain name.

[34.] This Complaint is based on the following grounds:

A. The domain name(s) is(are) identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- It is submitted that the registered trademark rights in the trademark **ZYDUS** is legally owned by Zydus Cadila since 1996 across various classes. Detailed information and certification of trademarks with description of related goods and services is provided in **Annex – 4A**.
- A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The disputed domain name <zydus.com> integrates the Complainant's **ZYDUS** trademark in its entirety.
- Multiple Trademarks registered with the Complainant, total 73 in number have been incorporated in their entirety in the disputed domain names. The sheer number of trademarks owned by the Complainant very clearly depicts the reputation Complainant's marks possess. These 73 trademarks are the basis for this complaint as per *Rules, Paragraph 3(b)(viii)*. A list of these 73 trademarks along with registration numbers and a description of the mark are included in **Annex – 4B**.

- The list of companies owned/ controlled by the Complainant in India and abroad having the word Zydus as their corporate names **Annex – 6A**.
- It is pertinent to be noted that some initial trademarks that the disputed domain name incorporates in entirety, date back to the year 1996.
- The Panel in *Wal-Mart Stores, Inc. v. Kuchora, Kal*, WIPO Case No. D2006-0033; *Hoffmann-La Roche Inc. v. Andrew Miller*, WIPO Case No. D2008-1345 have held that, if a domain name incorporates a complainant's mark in its entirety, it is confusingly similar to that mark despite the addition of other words. It is well-established that the addition of a generic term to a trademark does not necessarily eliminate a likelihood of confusion either. Indeed, there are numerous examples of decisions holding a domain name to be confusingly similar to a registered trademark when it consists of the mark plus one or more generic terms. See, *Minnesota Mining and Manufacturing Company v. Mark Overbey*, WIPO Case No. D2001-0727. See also *Hang Seng Bank Limited v. Websen Inc.*, WIPO Case No. D2000-0651 ("credit" added to mark HANG SENG in <hangsengcredit.com>); *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 ("parts" added to mark OKIDATA in <okidataparts.com>); *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. D2000-0662 (first element of Policy is satisfied where domain name wholly incorporates complainant's mark).
- In this context, it is established that the disputed domain name <zydus.com> is confusingly similar to the Complainant's trademark, since the disputed domain name incorporates the entire trademark **ZYDUS**.
- Additionally, the disputed domain name <zydus.com> is confusingly similar to the **ZYDUS** mark. The **ZYDUS** mark is a coined term, which has already gained a very high distinctiveness by the Complainant's substantial use of the trademark internationally (including USA where the Respondent is located) for a long period of time.
- Given the very high distinctiveness of the trademark **ZYDUS**, the inclusion of the entire trademark in the second level domain generally renders the Disputed Domain Name confusingly similar to the trademark, even though there are other characters included in the second level.

- In accordance with *Rules, Paragraph 3(b)(ix)(1)*, it is hence submitted based upon the aforementioned reason and decisions read along with the Policy and Rules, that the disputed domain name <zydus.com> is identical or confusingly similar to multiple trademarks in which the Complainant has rights.

B. The Respondent has no rights or legitimate interests in respect of the domain name(s):

- Once the Complainant establishes a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent to show that it has rights or legitimate interests in respect to the disputed domain name. See, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 2.1.
- The Complainant submits that, the Respondent has no rights or legitimate interests in respect of the disputed domain name, such as the Complainant has never authorized the respondent to use the trademark and the Respondent is not commonly known by the mark **ZYDUS**.
- It is submitted that **Annex – 4A, 4B, 4C and 4D** contain information regarding the various Trademarks that are owned by the Complainant. It should be noted that the Complainant owns trademarks starting 1996 onwards that are more than 140 in number out of which 78 have been entirely incorporated in the disputed domain name.
- Additionally, it is pertinent to note that, the **Annex – 6B** contains information regarding the incorporation of the Complainant’s company and other subsidiaries.
- The aforementioned facts act as evidence to illustrate that the Complainant owned various trademark regulations in India and in other countries including US, before the disputed domain name(s) were registered and that it is not affiliated with nor has it licensed or otherwise permitted the Respondents to use the Complainant’s trademark (see *Transure Enterprise Ltd, Host master*, WIPO Case No. D2010-0138)

- The Complainant submits that a *prima facie* case in the aforementioned elements is established and the burden of proof has been shifted to the Respondent. (See, *Croatia Airlines d.d. vs. Modern Empire Internet Ltd.*, WIPO Case ID D2003-0455).
- Additionally, the Respondent is not commonly known as **ZYDUS** and possesses no trademark or service mark rights related to the mark.
- Finally, the Complainant submits that there is no relationship between the Complainant and the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the Disputed Domain Name. Furthermore, the Respondent is not commonly known by the Disputed Domain Name and is not making a legitimate non-commercial or fair use of the Complainant's trademark.
- Hence, it is submitted that, in accordance with Rules, Paragraph 3(b)(ix)(2), the Respondent has no rights or legitimate interests in respect of the disputed domain names.

C. The domain name(s) was/were registered and is/are being used in bad faith.

- The Complainant submits that, **Annex – 4A** contains the details of trademarks owned by the Complainant. It is *prima facie* visible from the **Annex – 4A** that the Complainant owns trademarks in various classes since the year 1996.
- Complainant also wants to submit that as per **Annex – 6** provides information regarding the Complainant entity being established in the year 1952 when it was known as “Zydus group” and later in 1995 the name was changed to Cadila Healthcare.
- The Complainant establishes that the mark **ZYDUS** is famous, and the same can be confirmed by the exhaustive list of awards and accolades won by the Complainant over the years. An exhaustive list of such awards and accolades is provided in **Annex – 7**.
- The aforementioned points are evidence enough to substantiate that the Complainant's trademark **ZYDUS** has become a significant identifier of the

Complainant's goods and services, which enjoys a high reputation worldwide. The Complainant enjoys international fame and reputation.

- The disputed domain names have only started registering starting 2004, which is 8 years from the year Complainant received their first Trademark for **ZYDUS** (in 1996) and almost 50 years from the time the Complainant first started using the **ZYDUS** mark. This signifies that the Complainant's reputation and identity has been tied to the Complainant's trademark **ZYDUS** for over fifty years now.
- The information taken from WhoIs database searches of concerned registrars of the disputed domain names in **Annex – 1** is sufficient evidence to establish that all of the disputed domain names were registered by the Respondent long after the Complainant registered its trademark. **Table – 1** can be referred to for the purpose of checking the dates of registration of disputed domain names.
- The disputed domain name <zydus.com> shows advertisements related to “Zydus Pharma”, “India Pharma” and “Job Vacancies”. Clicking on any of these advertisements further shows advertisements of companies selling pharmaceuticals and related machinery. By using the domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's 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 the Respondent's web site or location or of a product or service on the Respondent's web site or location.
- The Complainant is known globally for a high reputation in the pharmaceutical industry because of an existence of more than 60 years. The disputed domain name displays content that is identical to the services provided by the Complainant. And hence, it can be established that, the Respondent has acted in bad faith. It can be inferred that the Respondent must have sufficiently known about the Complainant's trademark and reputation before registering the Disputed Domain Name. Under this circumstance and in the absence of legitimate rights and interests, the Respondent still chose to register the Disputed Domain Name. The Complainant submits that the Respondent is not carrying on any legitimate business under the name Zydus on the domain <zydus.com> and that the Respondent is merely doing “*domain squatting*”.

- Based upon the facts, it can be inferred that the Respondent must have sufficiently known about the Complainant's trademark and reputation before registering the Disputed Domain Name. Under this circumstance and in the absence of legitimate rights and interests, the Respondent still chose to register the Disputed Domain Name, which signifies the presence of malicious intention on the part of the Respondent, to siphon and channel customers of Zydus. These circumstances indicate that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registrations to the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the domain names.
- In the case of the disputed domain name <zydus.com> the existence of bad faith can be easily established as the domain name advertises goods and services that are identical to the Complainant's primary services. The action of registering a domain name while being aware of the reputation of the Complainant signifies the intention of the Respondent to take unfair advantage of the Complainant's **ZYDUS** mark.
- It is submitted that, **bad faith** under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. (See *WIPO Overview 3.0*, paragraph 3.1)
- Other than the reasons provided above to prove that the Respondent has acted in bad faith, previous decisions of the Panel draw inference of bad faith from the fact that the Complainant is in possession of prior registered trademarks.
- Therefore, based upon the Complainant's various Trademark registrations in India and US, the panel is requested to draw the inference that, the Complainant's prior registered trademark is suggestive of the Respondent's bad faith. (see *Sanofi-Aventis v. Abigail Wallace*, WIPO Case No. D2009-0735. See also, *Genting International Management Limited v. Jonglak zW.*, ADNDRC Case no. AIAC/ADNDRC-632-2018.)
- The complainant submits that, a number of factors indicate bad faith on the part of the Respondent. These include the fact that the Respondent has fully incorporated the Complainant's mark into the disputed domain names and the disputed domain names presently resolve to an active website that offers competing business and

services, which leads the Panel to believe that the Respondent was targeting the Complainant.

- It is submitted that, there is no plausible good faith use to which the Respondent may put the disputed domain name to.
- The aforementioned evidence and facts satisfy Paragraph 4(a)(iii) of the Policy.
- The Complainant submits that, the disputed domain names were registered and are being used in bad faith.

VII. Remedies Requested

[35.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that <zydus.com> be transferred to the Complainant.

VIII. Administrative Panel

[36.] The Complainant elects to have the dispute decided by a three-member Administrative Panel.

[37.] The Complainant nominates the following panelists:

- Pablo A. PALAZZI, New York, NY, United States of America (Nationality: Argentinian)
- William R. TOWNS, Towns Dispute Resolution LLC San Antonio, Texas, United States of America (Nationality: American)
- Matthew KENNEDY, Montevideo, Uruguay (Nationality: Australian)

IX. Mutual Jurisdiction

[38.] In accordance with Paragraph 3(b)(xii) of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain names that are the subject of this Complaint, to the jurisdiction of the courts at “the location of the principal office of the concerned registrar”. In this case, since the principal office of the registrar involved is based in the USA, it will be most convenient to have the mutual jurisdiction as the location of the principal office of the registrar.

X. Other Legal Proceedings

[39.] The Complainant confirms to its best knowledge that there are no other legal proceedings that have been commenced or terminated in connection with or relating to the domain name(s) that is/are the subject of the Complaint.

XI. Communications

[40.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.

[41.] A copy of this Complaint has been transmitted to the concerned registrar(s) on 8 March 2022 in electronic form in accordance with paragraph 4(c) of the Supplemental Rules.

XII. Payment

[42.] As required by the Rules and Supplemental Rules, payment in the amount of USD 4000 has been made by Credit card.

XIII. Certification

[43.] The Complainant agrees that its claims and remedies concerning the registration of the domain name(s), the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (a) the WIPO Arbitration and Mediation Center and Panelists, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

[44.] The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

A handwritten signature in blue ink that reads "Rahul Goel" with a horizontal line underneath the name.

Rahul Goel

Date: 31 March 2022

XIV. List of Annexes

Annex 1: Copies of the printout of the database searches on ICANN Lookup and WhoIs database of concerned registrar & Copy of email from WIPO Centre with Registrar identified Registrant information

Annex 2: Registration Agreement of Disputed Domain Name

Annex 3: Domain name dispute policy

Annex 4A: List of all Trademarks owned by Zydus Lifesciences Ltd. (Earlier known as Cadila Healthcare Ltd.)

Annex 4B: List of all Trademarks incorporated in disputed domain names

Annex 4C: Certificates of all Trademarks owned by Cadila-Healthcare (In India and other countries)

Annex 4D: The scanned copies of officially issued trademarks internationally and in India

Annex 5: List of Domain names owned by the Complainant and Copy of WhoIs database and receipts of renewal for the Domain names owned by Complainant

Annex 6A: The list of companies owned/ controlled by the Complainant in India and abroad having the word Zydus as their corporate names

Annex 6B: Copies of the Certificate of Incorporation of ZYDUS and its subsidiaries

Annex 6C: Zydus Annual Reports, New Website and News Article on Launch of the New Website

Annex 6D: Incorporation Certificate of Zydus Lifesciences Ltd.

Annex 7: Exhaustive list of Awards and Accolades along with certificates

Annex 8: List of all Cases used in the complaint

EXHIBIT I

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2	97185552		ZUEINO	TSDR	LIVE	
3	90072211		BILYPSA	TSDR	LIVE	
4	90072227		LIPRIDIA	TSDR	LIVE	
5	90072195		VALIPTRO	TSDR	LIVE	
6	90043683		NYCIL	TSDR	LIVE	
7	90658433		LIPAGLYN	TSDR	LIVE	
8	90277974		NUPEINO	TSDR	LIVE	
9	90286908		NUPENO	TSDR	LIVE	
10	88764379		ZYDUS GA CARE	TSDR	LIVE	
11	88764368		GLATIRAMER CONNECT	TSDR	LIVE	
12	88079784	6493701	ZY-JECT	TSDR	LIVE	
13	87730057	5903871	ZYPITAMAG	TSDR	LIVE	
14	86960965	5938286	TIADYLT	TSDR	LIVE	005
15	78496742	3522427	ZYGENERICS	TSDR	LIVE	005

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EXHIBIT J



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ZYPHARMA

Word Mark ZYPHARMA

Goods and Services (ABANDONED) IC 001. US 001 005 006 010 026 046. G & S: Chemicals used in pharmaceuticals and cosmetics

(ABANDONED) IC 003. US 001 004 006 050 051 052. G & S: Soaps, perfumery, essential oils, cosmetics, hair lotions, and dentrifices

(ABANDONED) IC 005. US 006 018 044 046 051 052. G & S: House mark for a full line of pharmaceutical, veterinary and sanitary preparations; therapeutics, diagnostics and reagents; herbal, mineral, and vitamin supplements; nutritional and dietary supplements; antimicrobial and antiseptic substances

(ABANDONED) IC 042. US 100 101. G & S: Scientific and medical research, analysis and development in the fields of pharmaceuticals, drug delivery systems and cosmetics

(ABANDONED) IC 044. US 100 101. G & S: Pharmaceutical, drug delivery system and cosmetics advice and analysis for others

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78390103

Filing Date March 24, 2004

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Zydus Pharmaceuticals (USA) Inc. CORPORATION Contact Information Redacted

Attorney of Record Joseph J. Serritella

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead DEAD

Indicator

Abandonment July 17, 2007
Date

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ZYGENERICS

Word Mark	ZYGENERICS
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: House mark for a full line of pharmaceutical preparations. FIRST USE: 20050811. FIRST USE IN COMMERCE: 20050811
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-2 ZY Two letters or combinations of multiples of two letters
Serial Number	78496742
Filing Date	October 8, 2004
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 15, 2007
Registration Number	3522427
Registration Date	October 21, 2008
Owner	(REGISTRANT) Zydus Pharmaceuticals (USA) Inc. CORPORATION Contact Information Redacted
Attorney of Record	Paul J. Kennedy
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20181012.
Renewal	1ST RENEWAL 20181012

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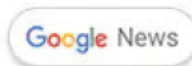
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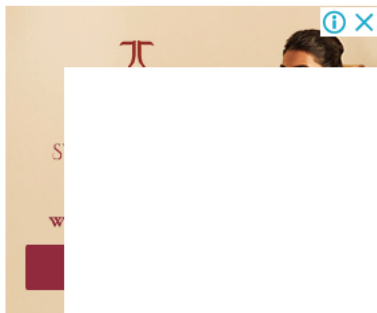
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Gujarat-based pharmaceutical major Zydus Cadila Healthcare Ltd has made a foray into the US generics formulations business with the launch of Zydus Pharmaceuticals USA Inc.

Focusing on generics formulations business, the new company will supply finished dosage formulations to the US Generics market, the company said here on Thursday. Zydus Pharmaceuticals USA Inc will be headed by Joseph Renner as the chief executive officer of the company.

Renner was earlier the chief operating officer of Sandoz, USA, previously Geneva Pharmaceuticals.

In addition to the US initiative, the group has already started operations in Europe.

Zydus Cadila has a ready base in France with the recent acquisition of Alparma France.

Company officials on Thursday said entries into the German, Spanish and Italian markets are in the offing.

As a first step in its plan to establish operations in the US pharmaceutical market, Zydus Cadila had earlier set up Zydus Healthcare LCC, a US-based company focusing on sales of active pharmaceutical ingredients (APIs).

This company was set up in 2002.

This development is in line with initiatives that the group has undertaken in the recent months to position itself as a global pharmaceuticals company.

Pankaj Patel, chairman and managing director of Zydus Cadila Healthcare, said, "Significant effort and progress has already been made to realise our plans to grow revenues from the overseas regulated markets. These efforts have been accelerated with the setting up of Zydus Pharmaceuticals USA Inc. We are now best placed to cater to the US generics market in terms of both API and generics formulations."

The company has already filed 12 API drug master files (DMFs) and two finished dosage drugs with the US Food and Drugs Administration.

It plans to file seven more drug master files and six more finished dosage drugs with the US FDA by the end of the current fiscal.

The group has firmed its entry into the US, European and Brazilian markets with the formation of Zydus Healthcare (USA) LLC, Zydus France SAS and Zydus Healthcare Brasil Ltd, respectively.

The group has also emerged as the largest Indian group in formulation sales to Sri Lanka and is among the top five Indian [companies](#) in Myanmar, Uganda, Vietnam, Mauritius and Singapore.

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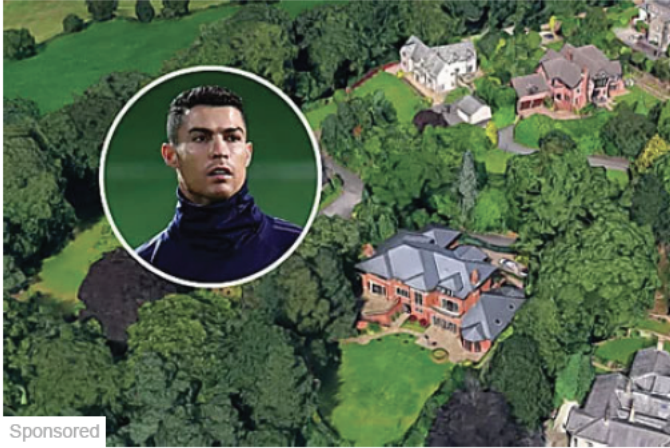
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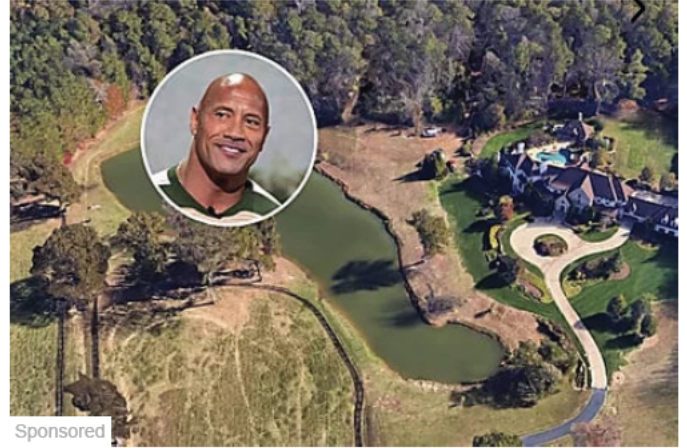
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BUDGET 2022

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Elections 2022

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EQUITY FUNDS	DSP Small Cap Fund - Direct Plan (G)	3 Year Return: 24.61%	5 Year Return: 11.7%	INVEST NOW	PARTNERED BY
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MARKETS DATA

LIVE TV (https://m.moneycontrol.com/live-tv.php)

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NIFTY 50
16193.60

+60.70 (+0.38%)

SENSEX
54406.14

+227.68 (+0.42%)

Zydu Lifesciences Ltd.

BSE: 532321 | NSE: ZYDUSLIFE | SER ES: EQ | IS N: INE010B01027 | SECTOR: Pharmaceuticals & Drugs PHARMACEUTICALS & DRUGS (HTTPS://WWW.MONEYCONTROL.COM/STOCKS/SECTORS/PHARMACEUTICALS-DRUGS.HTML)

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classic=true&script_id=INE010B01027&ex=NSE&site=wap&asset_class=stock&utm_source=moneycontrol.com

Quote (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_quotes)

Charts (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_charts)

Historical Data (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_technical)

Background Valuations (https://www.moneycontrol.com/company-facts/zydulifesciences/background/chc#sec_valuations) **NSE LIVE** **368.30** **367.00** (-0.22%) Volume **178,555**

Location (https://www.moneycontrol.com/company-facts/zydulifesciences/locations/chc#sec_location) **Jul 08, 11:26**

Corp Action (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_corpact)

Listing (https://www.moneycontrol.com/company-facts/zydulifesciences/listing/chc#sec_listing)

Prev. Close	Open Price	Bid Price (Qty)	Offer Price (Qty)	Prev. Close	Open Price	Bid Price (Qty)	Offer Price (Qty)
367.65	367.00	368.10 (62)	368.55 (95)	367.50	368.45	368.15 (87)	368.30 (306)

Annual Report (http://www.moneycontrol.com/annual-report/zydulifesciences/directors-report/chc#sec_report)

Shareholding (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_shrholdPat)

Peers (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_peers)

Company Info (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#sec_companyInf)

Forum (10) (https://www.moneycontrol.com/india/stockpricequote/pharmaceuticalsdrugs/zydulifesciences/chc#mshareElement)

1995

- The Company was incorporated as Cadila Healthcare Private Ltd on May 15, under the company act, 1956 and subsequently the Company was converted into a public company and then renamed as Cadila Healthcare Ltd effective from July 17, 1996

- The name Cadila shall be used only for Cadila Healthcare Limited (Zydu Cadila), Cadila Pharmaceuticals Limited (CPL) and Cadila Laboratories Limited (CLL)

- The Company is flagship company of Zydus Cadila Group

- The Company's operations include pharmaceuticals (human formulations, veterinary formulations and bulk drugs); diagnostics, herbal products, skin care products and other OTC products

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- The Bulk Drugs at Ankleshwar in Gujarat has an ISO 9002 certification for the manufacture and supply of a number of molecules

- Public Issue of 1,48,86,000 No of Equity shares (Issue) of Rs 5/- each issued for cash at a premium of Rs [] per share aggregating Rs [] million The Issue includes a Book Built Portion of 1,33,97,400 No of equity shares and a Fixed price portion of 14,88,600 No of Equity Shares

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Prestigious Unit and granted adhoc eligibility for Sales Tax deferment by the Industries Commissionerate, Gandhinagar, under New Incentive Policy - Capital Investment Incentive to Premier/Prestigious unit scheme 1995-2000

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- The Company launched block-buster molecules Atorvastatin (Atorva), Lamivudine (Lamidac 100) and Celecoxib (Zycel), Meloxicam (Mel-OD) and Carvedilol (Carvil) during the year

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-Cadila Healthcare Ltd has informed BSE that at the meeting of the Board of Directors of the company held on August 20, 2002 it has been decided to issue/allot Secured Redeemable Non Convertible Debentures for an aggregate face value of Rs 700 million by private placement basis at an interest rate of 8.40% p a

2003

-Mr UpenShah has been designated as the Company Secretary and Compliance Officer of Cadila Healthcare Ltd

-Zydus Cadila, the ahmedabad based healthcare has bagged global marketing rights of an anti-rabies vaccine of vaxirab a swiss company Berna Biotech

-Cadila Healthcare receives Mumbai High court approval for the scheme of amalgamation with German Remedies Ltd and Zoom Properties Ltd

-Cadila Healthcare Ltd has acquired US base Alparma Inc's French Subsidiary Alparma SAS France for a consideration of Euro 5.5 million

-Mr H K Bilpodiwala, Mr H Dhanarajgir and Mr A S Diwanji have been appointed as the additional directors on the board of the company

-Zydus Cadila Healthcare Ltd has signed a pact with Schering AG, Germany which allows the Indian Pharmaceuticals major to market Schering's patented products in India

-Duphar Interfran, a subsidiary of Fermenta Biotech Ltd signed an agreement with Cadila Ltd for the sale of FBL's global patents of Chiral Building blocks and process technology for the manufacture of Lisinopril and Benazepril

-Zydus forges marketing pact with Schering

2004

-Zydus Cadila sets up Zydus Pharmaceuticals USA, Inc

-Zydus Cadila inks strategic pact with Boehringer Ingelheim

-Zyndus Altana Healthcare - the JV between Altana Pharma AG and Zyndus Cadila, has been accredited with the ISO 9001-2000 certificate

2005

- Zydus Cadila receives approval from the USFDA to market the anti-hypertensive drug, Atenolol, and an anti-infective drug, Clindamycin on 31 Jan and 1 Feb

-Zydus Cadila unveils 'Pitavastatin' to control cholesterol on February 21, 2005

-Cadila ties up with Tyco unit to sell generic drugs in US

- Launches NuPatch - India's first indigenously manufactured Diclofenac transdermal patch for pain relief

-Cadila Healthcare & Mayne signs agreement to set up JVC to manufacture specialty oncology products

-Cadila Healthcare - German Remedies launches Fludara Oral for Lymphocytic Leukaemia

-Zydus Cadila receives tentative approval for Divalproex Sodium DR Tablets from US FDA

-Cadila Healthcare receives approval for Promethazine Tablets from USFDA

-Cadila Healthcare enters into JV with BSVL

2006

-Zydus Cadila forges alliance with French firm

-Zydus Cadila receives USFDA approval for Simvastatin Tablets

-Zydus Cadila to acquire Nutralite - India's largest selling cholesterol-free margarine

-Sarabhai Zydus to roll out immuno-diagnostics kits

-Cadila Healthcare has given the Bonus in the Ratio of 1:1

2007

-Cadila Healthcare Ltd on April 19, 2007 has announced the acquisition of Nippon Universal Pharmaceutical Ltd

- Cadila Healthcare Ltd has announced that its second overseas acquisition this year, the Company signed an agreement to acquire 100% stake in Quimica e Farmaceutica Nikkho do Brasil Ltda

-Zydus Cadila acquires Nippon Universal, strengthens its presence in Japan

-Zydus Cadila, the first to launch revolutionary anti-obesity drug Slimona in India

-Zydus Cadila acquires Brazilian Company Nikkho

2008

-Zylus Cadila, Karo Bio to jointly develop new drugs

-Zydus Cadila & Karo Bio of Sweden sign research agreement for a novel drug to treat inflammatory diseases

-Zydus Cadila acquires Etna Biotech, a subsidiary of Crucell N V

-Zydus scores with first day launch of Venlafaxine Hydrochloride in the US

2009

-Zydus Cadila announces research collaboration to discover and develop new cardiovascular medicines

-Zydus Research Centre Receives AAALAC Accreditation

2010

-CHL announces Bonus Shares in the ratio of 1:2

- India unveiled its first indigenous H1N1 vaccine, which was developed by drug firm Cadila Healthcare and this vaccine will provide immunity from the H1N1 virus strain for one year

2011

-Company has signed an Agreement with Bayer HealthCare to set up 50:50 Joint Venture Company in the name of Bayer Zydus Pharma

-Cadila gets USFDA nod for diabetes drug trial

-Cadila Health acquires Bremer Pharma from ICICI Venture

2012

-Cadila Healthcare enters into a settlement and license agreement with Somaxon for Silenor

-Cadila Healthcare gets USFDA nod for Aripiprazole orally disintegrating tablets

2013

-Zydus Cadila receives tentative approval for Doxepin Hcl tablets
 -Zydus and IDRI sign agreement for the development of IDRI's Vaccine Candidate for Visceral Leishmaniasis (Kala-Azar)
 -Zydus and Pieris Sign Broad Co-Development Alliance for Novel Anticalin Therapeutics
 -Zydus Pharmaceuticals (USA) Inc agreement with Warner Chilcott Company LLC

2014

-Zydus and gilead enter into a generic licensing agreement to manufacture breakthrough treatment for hepatitis c
 -Zydus launches world's first biosimilar of Adalimumab
 -Cadila Healthcare - Lipaglyn - India's first NCE launched in the market
 -Zydus and IDRI sign agreement for the development of IDRI's
 -Zydus and Pieris Sign Broad Co-Development Alliance for Novel

2015

-Zydus Cadila has completed the single ascending dose (SAD) range
 -Zydus launches SoviHep - the breakthrough therapy for Hepatitis C in alliance with Gilead Sciences
 -Cadila Healthcare Ltd has purchased the remaining 50 per cent shares of its joint venture firm, Zydus BSV Pharma Pvt Ltd (Zydus BSV)
 -Cadila Healthcare Ltd has received the final approval from USFDA for Pyridostigmine Bromide Tablets
 -Cadila Healthcare Ltd has received the market authorisation from the United States Food and Drug Administration to market drug for the treatment of chronic pain or cancer related pain
 -Cadila Healthcare Ltd has received final approval from the USFDA to market Amiloride Hydrochloride Tablets USP, 5 mg
 -Zydus launches 'Tenglyn', the most affordable gliptin for diabetics in India
 -Cadila Healthcare has splits its face value from Rs 5 to Rs 1

2016

-Zydus Cadila acquires select animal health brands of Zoetis
 -Cadila Healthcare - Zydus receives final approval from the USFDA for Glyburide and Metformin Hcl Tablets USP
 -Cadila Healthcare - Zydus acquires the gastro therapy 'Actibile' from Albert David Limited
 -Zydus gets USFDA approval for Glyburide Tablets
 -Cadila Healthcare - Zydus acquires two ANDAs from Teva, strengthens its US portfolio
 -Cadila Healthcare - Zydus acquires six brands from MSD

2017

-Zydus receives final approval from the USFDA for Temozolomide Capsules and Nadolol Tablets USP
 - 'Zydus Cadila acquires Sentynt Therapeutics Inc , a US based specialty pharmaceutical company'
 -Zydus and Pharm Aid Ltd , enter into an exclusive agreement for vaccine technology in Russia
 -Zydus receives EIR Report for Manufacturing Facility at the Pharma SEZ at Ahmedabad
 -Zydus receives final approval from the USFDA for Desvenlafaxine Extended-Release Tablets
 -Cadila Healthcare enters into agreement with Phibro Animal Health Corporation to license Phibro innovative poultry vaccine technologies and know-how to a new vaccine manufacturing facility to be built by Zydus Cadila to serve the fast growing poultry market in India

2018

-Zydus Cadila gets USFDA nod for sedative injection
 -Zydus enters into agreement with Medicare International to commercialize New Drug Application (NDA) product, pitavastatin magnesium (ZYPITAMAG TM) in the United States
 -Zydus Cadila bags approval from the USFDA to market Omeprazole and Sodium Bicarbonate Capsules 20 mg/1100 mg (OTC)
 -Zydus Cadila bags approval for Carbidopa Tablets
 -CSIR-IMTECH inks pact with Zydus Cadila

-Zydus Cadila launches generic erectile dysfunction drug in US

2019

-Zydus launches Ramelteon Tablets for treatment of insomnia
 -Zydus receives tentative USFDA approval for Lorcaserin Hydrochloride Tablets used in the treatment of obesity

2020

-Zydus & CMS enter pact for Desidustat in Greater China
 -Zydus Wellness launches hand sanitizer under Nycil brand to meet growing demand
 -Zydus Cadila launches COVID-19 drug Remdesivir in India
 -Zydus Cadila launches new product for COPD patients in India

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-Zydus Cadila launches Trastuzumab Emtansine under brand name Ujvira
 -Cadila Healthcare receives orphan drug designation for malaria treatment compound

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Zydus Cadila sets up US arm

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Ahmedabad-based Zydus Cadila has made a foray into the US generic formulation segment by setting up a subsidiary Zydus Pharmaceuticals USA, Inc.

The new company would supply finished dosage formulations to the US generic market, Zydus Cadila said in a release in Mumbai on Thursday.

The US subsidiary would be headed by Joseph Renner, who was earlier chief operating officer of Sandoz USA, as the chief executive officer, it added.

Zydus Cadila chairman and managing director Pankaj Patel said, "Significant effort and progress has already been made to realise our plans to grow revenues from overseas regulated markets and these efforts have been accelerated with setting up of the US subsidiary."

The company has filed 12 active pharmaceutical ingredient Drug Master Files and two finished dosage abbreviated new drug applications with the US Food and Drug Administration, he added.

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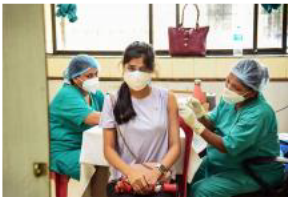
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Zydus draws up its global roadmap

Our Bureau, Ahmedabad | Thursday, October 28, 2004, 08:00 Hrs [IST]

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Largest among the top five Gujarat pharma companies and also the seventh largest drug company in the country, the Rs 1172 crore Cadila Healthcare (Zydus) is entering the world's largest generics market, estimated at US \$ 17 billion as an integrated generics player.

The company as part of its global roadmap has established Zydus Healthcare (USA) LLC and Zydus Pharmaceuticals (USA) Inc to cater to the API and formulation generics markets respectively. Having identified a basket of about 100 formulation products for launch in the US market over the next few years, it has filed 12 ANDAs with the US FDA in 2003-04.

The company has also established its presence in France through Zydus France SAS and would be launching generics in the French market in the current year. Zydus is also planning to enter Italy and Spain over the next two years.

Looking at the CIS as another most potential market, the company has revamped business model to grow aggressively in these markets, mainly Russia & Ukraine. Focusing on high growth therapeutic segments of CVS, GI etc., the company has already expanded field-force and geographic coverage and entered into an arrangement with top distributors.

According to Pankaj R Patel, chairman and managing director, for the company the year 2003-04 was

a remarkable period as its performance was excellently well. The company, which posted the highest sales ever at Rs. 11.7 bn, has registered a growth of 14 %. The major growth driver was exports, which grew by 62 %. On a consolidated basis, the sales reached Rs. 13.3 bn, growing by 18 %.

The company significantly increased investments in R&D, with total R&D expenses going up to Rs. 0.9 bn, from Rs. 0.4 bn in 2002-03, or nearly two and a half times. Of this, the revenue expenses on R&D went up three-fold to Rs. 0.6 bn.

Inspite of substantial hike in R&D spend, Profit Before Interest Depreciation and Tax (PBIDT) increased by 29.4 % to Rs. 2.5 bn. The PBIDT margin jumped to 21.2 % from 18 % which is a highest in the history of the company. The net profit also jumped to Rs. 1.43 bn with growth of 86.5 %.

Similarly, Zydus Altana Healthcare Pvt. Ltd., the 50:50 JV with Altana Pharma turned in an excellent performance with record sales of Rs. 1.47 bn and Net Profit of Rs. 1.22 bn, an 82 % net margin on sales. The JV paid Rs. 600 mn in dividends, up three-fold from 2002-03.

"These results mark another successful year in our pursuit to realise the full potential of Zydus Cadila. Our initiatives were well received by both the investors and the stock market and this is reflected in the market capitalisation which nearly quadrupled to Rs. 28 bn by the end of the financial year," says Patel.

He added that the company's focus in the coming years will be on globalisation of operations. This is both a challenging and inevitable process. "The year 2003-04 was when we truly globalised our operations by marking our presence in the large and lucrative regulated generics markets," he said.

Estimating the future potential of generics in the regulated market, Zydus' global plans conclude that the total global pharma market is pegged at US \$ 466 bn (IMS). North America, Europe and Japan account for 88 % of the pharmaceuticals sales in 2003. Generics sales contributes almost 4-5 % of this market, making the global generics market about 6 times the Indian market. While the generics business in US is the largest in the world, Europe is also an attractive market and provides quicker access opportunities.

"It is a tremendous growth opportunity that these markets represent with several blockbuster multi-billion dollar drugs going off patent over the next few years," he adds.

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
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