

ADMINISTRATIVE PANEL DECISION

Solvay Société Anonyme v. kurt erwin NATHER
Case No. D2022-0655

1. The Parties

The Complainant is Solvay Société Anonyme, Belgium, internally represented.

The Respondent is kurt erwin NATHER, Belgium.

2. The Domain Name and Registrar

The disputed domain name <solvaychimie.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 24, 2022. On February 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 28, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 28, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 25, 2022.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on March 31, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the

Rules, paragraph 7.

4. Factual Background

The Complainant is a multinational chemical company based in Belgium. The Complainant is the owner of the trademark SOLVAY, including European Union word mark SOLVAY registered on May 30, 2000 (No. 000067801) in classes 1, 3, 4, 5, 7, 9, 10, 12, 17, 19, 20 and 31; European Union word mark SOLVAY registered on August 13, 2013 (No. 011664091) in classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 34, 35, 36, 37, 39, 40 and 42; and International word mark SOLVAY registered on February 28, 2013 (No. 1171614) in classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 34, 35, 36, 37, 39, 40 and 42, covering numerous countries.

The disputed domain name was registered on February 18, 2022. It resolves to the Registrar's parking page and has been used as a phishing tool.

5. Parties' Contentions

A. Complainant

The Complainant points out that it is a company specialized in high-performance polymers, composite technologies, and chemicals. It was founded in 1863, with registered offices in Brussels, Belgium. It employs more than 23,000 people in 64 countries. The Complainant says its SOLVAY mark is well known all over the world, because of the Complainant's international presence and its marketing. The Complainant points out that the SOLVAY mark is used extensively, including on social media, and has for several years now ranked among the top 10 most valuable Belgian brands.

The Complainant says that for the past couple of months, it has faced several fraud attempts (phishing) related to domain names registered with privacy protection. In these cases, they are used with the same strategy of sending confusingly similar emails to third parties (customers or suppliers of the Complainant) to request settlement of pending invoices or to place an order. According to the Complainant, this does not constitute a coincidence, nor a real fair or good faith use of the disputed domain name.

The Complainant points out that the disputed domain name incorporates the Complainant's SOLVAY mark in its entirety and simply adds the descriptive term "chimie". Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8). In this case, the distinctive SOLVAY mark is clearly recognizable within the disputed domain name, the Complainant says.

The Complainant also asserts that the Respondent is not commonly known by the disputed domain name and uses a privacy service to hide the Respondent's identity. In the absence of authorization from the Complainant no *bona fide* or legitimate fair use of the disputed domain name could possibly be claimed by the Respondent. The Complainant points out that a high risk of implied affiliation results from the incorporation of the Complainant's trademark in its entirety in the disputed domain name, so that the disputed domain name cannot constitute *bona fide* or fair use. Thus, the Complainant maintains that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant asserts that the Respondent sent emails to third party suppliers of the Complainant requesting detailed information regarding capacity to supply and quote specific chemical goods. The email addresses used by the Respondent (*i.e.*, [...]@solvaychimie.com) are based on the disputed domain name.

The Respondent's emails are confusingly similar with official emails of the Complainant because, as the Complainant points out, the fraudulent emails use the name of an employee of the Complainant. The

Respondent's emails also use the Complainant's corporate signature. The Complainant asserts that these facts amount to a phishing attempt, which doubtlessly establishes the Respondent's bad faith and lack of legitimate interest in respect of the disputed domain name.

According to the Complainant, it is impossible to imagine any plausible legitimate use of the disputed domain name by the Respondent, especially in view of the global reach of the Complainant and the well-known and distinctive character of its trademarks. The Respondent uses the disputed domain name for fraudulent activity, *i.e.*, to profit from the likelihood of confusion with the Complainant's trademark by way of its phishing activities. In view of the Complainant's size and wide range of activities, the Complainant says that there is a high risk inherent in such a fraudulent use of the disputed domain name. The latter includes the SOLVAY mark in its entirety and combines it with the descriptive term "chimie", which increases the confusion for recipients, as they would reasonably believe that an email address referencing the disputed domain name is somehow connected to the Complainant.

The Complainant says that it has filed several complaints for other fraud attempts systematically using the same strategy, *i.e.*, sending confusingly similar emails to third parties (suppliers of the Complainant). It refers to the case *SOLVAY Société Anonyme v. Privacy service provided by Withheld for Privacy ehf / Enock Mpanga, Premium Plus*, WIPO Case No. [D2022-0377](#) (<solvaychemical.com>) and a complaint related to <solvay-chimie.be>. None of this constitutes a coincidence, the Complainant says, nor a real fair or good faith use of the disputed domain name.

In conclusion, the Complainant states that there is no conceivable non-infringing use to which the Respondent could put the disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name is not identical to the Complainant's SOLVAY registered trademark, but that mark is incorporated in its entirety and is immediately recognizable. The addition of the descriptive term "chimie" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

Therefore the Panel holds that the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent has not responded to the assertions of the Complainant in any way, and was in no way authorized to use the SOLVAY mark of the Complainant. The disputed domain name does not relevantly resolve to any active website that might form the basis of a claim of rights or legitimate interests. The Complainant submits that the disputed domain name is instead used in an inherently fraudulent phishing scheme, employed to impersonate the Complainant. This scheme relies on deceiving recipients of emails with the "@solvaychimie.com" extension into supplying confidential details. This is quite obviously not an activity that of its nature would vest rights or result in the recognition of some legitimate interests on the part of the Respondent. There is nothing to indicate that the Respondent is commonly known by the disputed domain name and it is difficult to imagine any use of the disputed domain name that could be legitimate.

Therefore, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

As indicated above, according to the facts as asserted by the Complainant, the Respondent has engaged in a phishing scheme, whereby he/she uses the disputed domain name for the purpose of impersonating the Complainant. There can be little doubt that attempts to obtain confidential information from the Complainant's suppliers in this manner are inherently fraudulent, relying as they do on deceiving third parties into thinking they are receiving genuine emails from the Complainant. The Complainant has also been in business for a very long time and is a major company with international holdings, whose SOLVAY mark is as a result highly distinctive. Further, the inclusion of the term "chimie" referring to the area of the Complainant's business in the disputed domain name confirms that the Respondent was fully aware of the existence of the Complainant and its rights to the SOLVAY trademark at the time of registration of the disputed domain name.

Therefore, the Panel holds that the disputed domain name was registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <solvaychimie.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: April 14, 2022