

ADMINISTRATIVE PANEL DECISION

Solvay SA v. Solvay RT
Case No. D2022-3230

1. The Parties

The Complainant is Solvay SA, Belgium, represented by PETILLION, Belgium.

The Respondent is Solvay RT, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <solvay.com> (the “Domain Name”) is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2022. On August 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 1, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 amended Complaint on September 12, 2022.

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 September 12, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 3, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 5, 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, trading under its SOLVAY mark, is a chemical manufacturer specialising in high-performance polymers and composites. The Complainant's group was founded 1863, has its registered offices in Brussels, Belgium and employs more than 21,000 people in 63 countries including in the United States where the Respondent is located. Its net sales were EUR 10,1 billion in 2021. The Complainant's SOLVAY mark has been recognised as being well-known by numerous prior UDRP panels.

The Complainant's SOLVAY mark is registered in numerous jurisdictions, including International Registration No. 1171614 SOLVAY 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, with registration date February 28, 2013, designating amongst others the Respondent's country of the United States. The Complainant has owned the domain name <solvay.com> since 1995 and uses it for its official website and for its internal mailing system.

The Domain Name was registered on August 22, 2022, and the Complainant's evidence establishes that it has resolved to the Domain Name's reseller's parking page in the past. At the time of drafting of this Decision, the Domain Name did not resolve.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its SOLVAY mark as a typosquatting variant, that the Respondent has no rights or legitimate interests in it, and the Domain Name was registered and used in bad faith given that the Complainant's mark is well-known, the Respondent must have known of and targeted it, and the Respondent provided false identifying information in the Whois record.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well established that where a domain name consists of a misspelling of a trade mark such that the mark is recognisable, as in this case, the domain name is confusingly similar. This includes substitution of similar-appearing characters such as numbers that look like letters (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.9). The substitution of the zero for the letter "o" does not prevent a finding of confusing similarity between the Domain Name and the Complainant's mark. Numerous UDRP panels have held that substitution of a zero for the letter "o" results in a domain name that is virtually identical with the mark, and confusingly similar (see *Capitol Federal Savings Bank v. Moniker Privacy Services / Charlie Kalopungi*, WIPO Case No. [D2011-0867](#)). The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant's un rebutted evidence establishes that its SOLVAY mark was registered and well-known, including in the Respondent's country, long prior to registration of the Domain Name. The Domain Name is virtually identical to the Complainant's mark and the Complainant has certified that the Domain Name is unauthorised by it.

The Respondent has provided no explanation as to why it chose the Domain Name. There is no semantic value to the Domain Name which the Respondent might, in good faith, have sought to adopt. The Complainant's evidence establishes that the only use of the Domain Name is for a parking page, which does not constitute a *bona fide* offering of goods or services or any legitimate noncommercial or fair use (*Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). According to the information provided by the Registrar concerning the registrant of the Domain Name, the registrant's name is "Solvay RT", with no organization name being displayed as per the Registrar's Whois database. There is no evidence of the Respondent being known by that name or by the disputed domain name.

There is no evidence that any of the circumstances set out in paragraph 4(c) of the Policy, nor any others which might confer rights or legitimate interests upon the Respondent, pertain. The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

The Registrar stated in correspondence with the Domain Name's reseller, copied to the Complainant:

"I suspended the domain name from one of your customers. Bogus registrant data. IP verification data does not match the country code. The telephone number is not active."

The Registrar suspended the Domain Name after having received a complaint from the Complainant of possible phishing involving the Domain Name. The Registrar's response certainly indicates that the Respondent provided false details in the Whois record, which is an indicator of bad faith ([WIPO Overview 3.0](#) at section 3.2.1). This is consistent with the response received from the Center's courier who reported a status of "Delivery not accepted" when attempting to deliver the Complaint to the Respondent at the address provided in the Whois record.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos as in this case) to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith ([WIPO Overview 3.0](#) at section 3.1.4). Linguistically the Domain Name does not make sense other than if it is read as "solvay" – the Complainant's mark. The Domain Name is likely to be read and pronounced identically with the Complainant's mark. Thus, it is quite likely that the Respondent intended the Domain Name to be read as "solvay".

The Complainant has a large presence in California, the state where the Respondent allegedly resides, and the Complainant's mark was well-known in the Respondent's country long before registration of the Domain Name. A Google search for the Complainant's mark reveals results overwhelmingly relating to the Complainant. The Respondent did not respond to the Complaint. Taken together this all indicates that the Respondent either knew, or should have known, that the Domain Name was confusingly similar to the Complainant's mark ([WIPO Overview 3.0](#) at section 3.2.2). The fact that the Domain Name appears to have been parked does not prevent a finding of bad faith under the doctrine of passive holding; all the factors that panels typically consider under that doctrine favour the Complainant ([WIPO Overview 3.0](#) at section 3.3).

The Complainant has satisfied paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name, <s0lvay.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 19, 2022