

ADMINISTRATIVE PANEL DECISION

SOLVAY Société Anonyme v. Privacy Service Provided by Withheld for Privacy ehf / Name Redacted
Case No. D2022-3465

1. The Parties

The Complainant is SOLVAY Société Anonyme, Belgium, represented by PETILLION, Belgium.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Name Redacted ¹.

2. The Domain Name and Registrar

The disputed domain name <solvay.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2022. On September 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 September 22, 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 22, 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”).

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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.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

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 18, 2022.

The Center appointed Marilena Comănescu as the sole panelist in this matter on October 19, 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 Solvay S.A. is a global science company, established in 1863 in Brussels, specialised in high-performance polymers and composite technologies, and a leader in chemicals. The Complainant employs more than 21,000 people in 63 countries and its net sale in 2021 was of EUR 10,1 billion.

The Complainant holds trademark registrations for SOLVAY, such as the following:

- the International Trademark Registration No. 1171614 registered on February 28, 2013, covering goods and services in the International Classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 34, 35, 36, 37, 39, 40, 42; and

- the European Union Trademark Registration No. 000067801, filed on April 11, 1996 and registered on May 30, 2000, covering goods and services in the International Classes 1, 3, 4, 5, 7, 9, 10, 12, 17, 19, 20 and 31.

The trademark SOLVAY has been ranked for several years in the top 10 most powerful and valuable Belgian brands. The SOLVAY mark's value was estimated at EUR 795 million in 2020.

Since 1995 the Complainant holds the domain name <solvay.com> and uses it to refer to its official website and for its internal mailing system.

The disputed domain name <sollvay.com> was registered on September 7, 2022, and, at the time of filing the Complaint it resolved to a registrar parking page with sponsored links.

The Respondent is an entity whose identity was initially protected by a privacy shield. After receiving communication from the Center which contained information regarding the registrant and contact information disclosed by the Registrar following the registrar verification procedure, the Complainant submitted an amended Complaint and requested the Panel to redact the name of the named Respondent which corresponds to the name of the Complainant's Chief Executive Officer ("CEO") and is definitely a fake contact detail.

Evidence provided as Annex 9 to Complaint submits evidence of MX records associated with the disputed domain name, indicating that the Respondent has set up an email account using the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its well-known trademark, company name and domain name; the Respondent has no rights or legitimate interests in the disputed domain name, and the Respondent registered and is using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to it.

B. Respondent

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

6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

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

The Panel will further analyze the potential concurrence of the above circumstances.

A. Preliminary Procedural Issue. The Respondent and Redaction of the Respondent's Identity

As noted above, the individual behind the Name Redaction has been confirmed by the Registrar as the listed registrant of record for the disputed domain name.

Under paragraph 4(j) of the Policy the Panel has the power to determine to redact portions of its decision in exceptional circumstances. The practical result of the exercise of this power is that the provider, in this case the Center, will not publish on the Internet the full decision, but will redact the portion determined by the Panel to be redacted.

The Complainant informed the Center, in its amended Complaint, that the individual behind the Name Redaction is the victim of an identity theft and her reputation could be damaged if her name appears as a Respondent in this proceeding because, in reality, this individual has an identical name as the Complainant's CEO.

Therefore, the Panel will refer to the name of the registrant of the disputed domain name as Name Redacted, and to the individual or entity which registered (and used) the disputed domain name as the Respondent.

Therefore, in this case, the Panel considers that no particular evidence is necessary because the request to redact the name of the Name Redacted has not been requested by the interested party, *i.e.* the supposed Respondent, but by his adversary, *i.e.* the Complainant. The alleged identity theft is therefore (as between the Parties) a non-contested fact and, accordingly, the Panel decides to redact the registrant's name and information from the caption and body of this decision.

See also *Accenture Global Services Limited v. Domains by Proxy, LLC / Name Redacted*, WIPO Case No. [D2013-2099](#); *Ingenico Group v. Contact Privacy Inc. Customer 1245626487 / Name Redacted*, WIPO Case No. [D2019-2899](#); and *Siemens AG, Siemens Trademark GmbH & Co. KG v. NAME REDACTED*, WIPO Case No. [D2022-1632](#).

B. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the SOLVAY trademark.

The disputed domain name <sollvay.com> incorporates the Complainant's trademark with the letter "I" doubled. However, such alteration does not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain name.

Numerous UDRP panels have considered that a domain name consisting of a misspelling of the complainant's trademark (*i.e.*, typosquatting) does not prevent a finding of confusing similarity. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (*e.g.*, ".com", ".info", ".org") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark SOLVAY, pursuant to the Policy, paragraph 4(a)(i).

C. Rights or Legitimate Interests

The Complainant asserts that it has given no license or other right to use its trademark to the Respondent, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods and services.

Under the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP. See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not replied to the Complainant's contentions to advance a claim to any rights or legitimate interests in the disputed domain name.

There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain name or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain name.

As provided in the section 6.A. above, the disputed domain name has been registered by the Respondent in the name of a third party, *i.e.* Name Redacted. In this regard, panels have categorically held that the use of a domain name for illegal activity (such as swindle, fraud, identity theft, phishing and impersonation) can never confer rights or legitimate interests in a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

D. Registered and Used in Bad Faith

The Complainant has trademark rights for SOLVAY since at least 2000 and the trademark is distinctive and well-known worldwide. See also *SOLVAY Société Anonyme v. Not disclosed Not disclosed, MRSOFT Consults*, WIPO Case No. [D2021-4278](#); *Solvay S.A. v. Registration Private, Domains By Proxy, LLC / Alix Deschamps*, WIPO Case No. [D2015-0689](#); and *Solvay SA v. Domain Privacy Service Fbo Registrant / Mary Koehler*, WIPO Case No. [D2016-1357](#).

The disputed domain name was registered in September 2022, and incorporates the Complainant's trademark with an obvious alteration. Furthermore, the Respondent registered the disputed domain name under a false contact name (*i.e.* the Name Redacted) using a name that coincides with the name of the Complainant's CEO.

For the above reasons, the Panel finds that the disputed domain name was registered in bad faith, with knowledge of the Complainant, its business and particularly targeting the Complainant's trademark.

At the time of filing the Complaint, the disputed domain name resolved to a page providing sponsored links.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website 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] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

The Respondent was using without permission the Complainant's trademark in order to get traffic on its web portal and to misleadingly divert Internet users to third parties websites, and thus to obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

Furthermore, according to evidence on the record, the disputed domain name has active MX records. This entails that the Respondent can send emails through the email address "@sollvay.com". The Respondent can therefore use (or may already have used) the disputed domain name to send fraudulent emails such as messages containing spam, phishing attempts, etc. See also *Confédération Nationale du Crédit Mutuel, Crédit Industriel et Commercial v. Khodor Dimassi*, WIPO Case No. [D2016-1980](#); or *Statoil ASA v. Registration Private, Domains By Proxy, LLC / Eldar Saetre*, WIPO Case No. [D2018-0563](#).

Panels additionally view the provision of false contact information (or an additional privacy or proxy service) underlying a privacy or proxy service as an indication of bad faith. See section 3.6 of the [WIPO Overview 3.0](#).

Furthermore, it was consistently found by previous UDRP panels that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a third party's famous or widely-known trademark constitutes, by itself, a presumption of bad faith registration for the purpose of the Policy. See section 3.1.4 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

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 <sollvay.com> be transferred to the Complainant.

/Marilena Comănescu/

Marilena Comănescu

Sole Panelist

Date: October 27, 2022