

ADMINISTRATIVE PANEL DECISION

Akzo Nobel N.V. v. khalid hanks

Case No. D2022-4463

1. The Parties

The Complainant is Akzo Nobel N.V., Netherlands, internally represented.

The Respondent is khalid hanks, Nigeria.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 22, 2022. On November 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 25, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that 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 December 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 27, 2022.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on January 16, 2023. 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 leading global paints and coatings company headquartered in Amsterdam, with an ever-growing international presence and consumer recognition worldwide.

The Complainant owns trademark registrations in various jurisdictions, including the Benelux trademark AKZONOBEL (Reg. No. 849141, registered on August 20, 2008) and the International trademark AKZONOBEL (Reg. No. 1064677, registered on June 25, 2010).

The Complainant further holds the domain name <akzonobel.com> under which the official website of the Complainant is available. The Complainant advertises and sells its services through its <akzonobel.com> domain name.

The disputed domain name was registered on October 7, 2022 and leads to an inactive website. Fraudulent emails impersonating the Complainant were sent from an email address incorporating the disputed domain name, providing fake payment advice documents to suppliers of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant alleges that it has satisfied all elements of the Policy, paragraph 4.

B. Respondent

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

6. Discussion and Findings

Based on the facts and evidence introduced by the Complainant, and with regard to paragraphs 4(a), (b) and (c) of the Policy, the Panel concludes as follows:

A. Identical or Confusingly Similar

The Complainant has submitted sufficient evidence to demonstrate its registered rights in the AKZONOBEL trademark.

The Complainant's trademark is entirely reproduced in the disputed domain name.

A domain name is "identical or confusingly similar" to a trademark for the purposes of the Policy when the domain name includes the trademark, or a confusingly similar approximation, regardless of other terms in the domain name (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)). This includes the addition of the term "s" to the Complainant's trademark, which is considered a common, obvious, or intentional misspelling of a trademark (*i.e.*, "typosquatting"). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.

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

The Complainant has thus fulfilled the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

There are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the disputed domain name. The Complainant contends that the Respondent is neither affiliated with the Complainant nor making any *bona fide* use of the disputed domain name.

The Complainant has provided evidence that the Respondent uses an email address utilizing the “@akzonobels.net” extension to conduct a phishing and fraud scheme while taking advantage of the Complainant’s trademark notoriety; such use can never confer rights or legitimate interests to a respondent. See [WIPO Overview 3.0](#), section 2.13.

Furthermore, the composition of the disputed domain name, entirely incorporating the Complainant’s trademark with a common, obvious or intentional misspelling, cannot constitute fair use in these circumstances as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

Based on the Complainant’s credible contentions, the Panel finds that the Complainant, having made out a *prima facie* case which remains un rebutted by the Respondent, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under the circumstances of this case, it can be inferred that the Respondent was aware of the Complainant’s trademark when registering the disputed domain name.

The evidence submitted by the Complainant supports a finding that the Respondent is engaged in an attempt to pass himself off as the Complainant for his own financial benefit. The Respondent therefore uses the disputed domain name in bad faith (see *Claudie Pierlot v. Yinglong Ma*, WIPO Case No. [D2018-2466](#)).

Accordingly, the Complainant has also fulfilled 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 disputed domain name <akzonobels.net> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: January 30, 2023