

ADMINISTRATIVE PANEL DECISION RELATED TO THE REQUEST TO CHANGE THE LANGUAGE OF THE ADR PROCEEDING

Solvay SA v. Joseph Abdi, Jolis International Ltd
Case No. DEUL2022-0004

1. The Parties

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

The Respondent is Joseph Abdi, Jolis International Ltd, Bulgaria¹.

2. The Domain Name, Registry and Registrar

The disputed domain name is <solvayspecialities.eu>.

The Registry of the disputed domain name is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is TLD Registrar Solutions Ltd.

3. Procedural History

The Request to Change the Language of the ADR Proceeding (the “Request”) was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) pursuant to the .eu Alternative Dispute Resolution Rules (the “ADR Rules”), Paragraph A(3)(b), on April 14, 2022. On April 14, 2022, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On April 21, 2022, the Registry 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 Request. The Center sent an email communication to the Complainant on April 22, 2022, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Request. The Complainant filed an amended Request on April 25, 2022.

In accordance with the ADR Rules, Paragraph A(3)(b)(3), the Center formally notified in English and Bulgarian the Respondent of the Request, and the proceedings commenced on May 3, 2022. In accordance with the ADR Rules, Paragraph A(3)(b)(4), the due date for Response was May 15, 2022. On May 3, 2022, the Center received an email communication in English from the Respondent, which did not refer to the

¹ The address provided for the registration of the disputed domain name corresponds to a location in Kampala, Uganda. However, the registrant has identified its country as Bulgaria.

language of the proceeding. The Respondent did not file a substantive Response.

The Center appointed Assen Alexiev as the sole panelist in this matter on May 25, 2022, in accordance with the ADR Rules, Paragraph A(3)(b)(4). 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 ADR Rules, Paragraph B(5).

4. Factual Background

The disputed domain name was registered on March 31, 2022.

The language of the Registration Agreement is Bulgarian.

According to information provided by EURid, the contact details of the registrant correspond to an address in Kampala, but the identified country is Bulgaria.

5. Parties' Contentions

A. Complainant

The Complainant requests that English be the language of the ADR Proceeding.

The Complainant states that the address in Bulgaria mentioned in the contact details of the registrant is manifestly false, because Kampala is a city in Uganda and there is no Kampala city in Bulgaria. According to the Complainant, the registrant probably mentioned Bulgaria in order to qualify for the registration of a ".eu" domain name. The Complainant also notes that there is no trace of a company named Jolis International Ltd in Bulgaria, and a Google search for the terms "Jolis International Ltd" points to a company based in Uganda. The information provided by the Registry also shows that the address of the Respondent corresponds to the address of the Jolis International Ltd company based in Uganda that appears in the Google search results, and the phone number of the Respondent includes the country calling code for Uganda. According to the Complainant, the above evidence confirms that the Respondent is in fact based in Uganda where the official language is English.

The Complainant adds that the disputed domain name is linked to an email address that has been linked to several UDRP proceedings conducted in English, where the respective domain names incorporate the Complainant's SOLVAY trademark. In the Complainant's view, this shows that the disputed domain name has probably been registered by the same person that registered the domain names subject to these UDRP proceedings, and he or she seems to reside in Kampala, Uganda.

B. Respondent

The Respondent did not reply to the Complainant's contentions. On May 3, 2022, the Center received two email communications from the registrant via an email address apparently corresponding to Joseph Abdi, Jolis International Ltd., with the following content "Hello Mawanda, Please see below complaint for your action." and asking the Center what action is required.

6. Discussion and Findings

In accordance with Paragraph A(3)(a) of the ADR Rules, "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the ADR Proceeding shall be the language of the Registration Agreement for the disputed domain name. In the absence of an agreement between the Parties, the Panel may in its sole discretion, having regard to the circumstances of the ADR

Proceeding, decide on the written request of a Complainant that the language of the ADR Proceeding will be different than the language of the Registration Agreement for the disputed domain name.”

In this case, the language of the Registration Agreement is Bulgarian. The Complainant requests that English be the language of the proceeding.

The Respondent has not objected to the Complainant’s request that the proceeding be held in English, and has not disputed its factual allegations or evidence.

As noted by the Complainant, the reference to Bulgaria in the contact details of the registrant is inconsistent with the other elements of its address provided by the Registry. This address specifies the city of Kampala – the capital of Uganda, and coincides with the Ugandan address of the company “Jolis International Ltd” that appears in the Google search results provided by the Complainant. The phone number of the Respondent includes the country code for Uganda. There is no Kampala city in Bulgaria.

In the absence of any allegations or evidence to the contrary, the above satisfies the Panel that the Respondent is based in Uganda and not in Bulgaria. As noted by the Complainant, English is one of the official languages in Uganda, so the Respondent is likely to know this language, as also confirmed by the short correspondence in English submitted by the Respondent to the Center. The Panel notes that in the Respondent’s email communication the Respondent addresses in English a person with the name Mawanda. While it may be that the Respondent has registered the disputed domain name for or on behalf of Mawanda, the Panel finds that little is known about Mawanda, and that in any case said communication was sent in English.

In accordance with Paragraph B(7)(b) and (c) of the ADR Rules, the Panel shall ensure on the one hand that the Parties are treated fairly and with equality, and shall ensure, on the other hand, that the ADR Proceeding takes place with due expedition.

The Respondent has not brought forward any arguments why it would be treated unfairly if the proceeding is held in this language or any reason why its adoption may delay the proceeding.

The Panel is therefore satisfied that the Respondent is able to communicate in English and that the adoption of this language in the proceeding would be fair and not affect the equality of the Parties but would contribute to the case taking place with due expedition.

7. Decision

For the foregoing reasons, in accordance with Paragraph A(3)(b)(6) of the ADR Rules, the Panel orders that the language of the ADR proceeding shall be English and any future submission by the Parties (including the submission of a new Complaint) regarding the disputed domain name <solvayspecialities.eu> shall be made in the language of the ADR Proceeding in accordance with paragraph A(3)(c) of the ADR Rules.

This Panel’s decision shall be final and not subject to appeal.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: June 6, 2022