

ADMINISTRATIVE PANEL DECISION

Akzo Nobel N.V. v. Name Redacted¹

Case No. D2023-0791

1. The Parties

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

The Respondent is Name Redacted.

2. The Domain Name and Registrar

The disputed domain name <akzonobell.com> is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 22, 2023. On February 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 23, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 February 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 22, 2023.

¹ The Panel has determined that the above-mentioned disputed domain name was most likely registered by a third party without the involvement of the above-mentioned Respondent (i.e., involves potential identity theft), the Panel has redacted the Respondent’s name from this Decision and included an Annex 1 directing the Registrar to transfer the disputed domain name nonetheless. 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.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](#).

The Center appointed Evan D. Brown as the sole panelist in this matter on March 24, 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 in the business of manufacturing paints and coatings. It owns the trademark AKZONOBEL which it has registered in a number of jurisdictions, including Benelux (Reg. No. 849141 registered on August 20, 2008). The Complainant traces its origins back well over a century.

According to the Whois information, the disputed domain name was registered on July 4, 2022. The contact information provided when registering the disputed domain name resembles the Complainant's legitimate Australian subsidiary. The Complainant asserts that the Respondent has used the disputed domain name to operate a fraudulent scheme specifically targeting the Complainant's customers.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the AKZONOBEL mark by providing evidence of its trademark registrations.

The disputed domain name is confusingly similar to the Complainant's mark. The disputed domain name incorporates the mark in its entirety and merely adds the letter "L" at the end, which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's AKZONOBEL mark. See [WIPO Overview 3.0](#), section 1.8. The AKZONOBEL mark remains sufficiently recognizable for a showing of confusing similarity under the Policy.

Accordingly, the Panel finds that the Complainant has succeeded on this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

Under this heading, the Complainant argues that given the Complainant's historic and consistent use of the AKZONOBEL mark, the Respondent has no *bona fide* reason to use the disputed domain name, and that one must conclude the Respondent had no "fair intention" when registering the disputed domain name. Additionally, under the third Policy element, the Complainant asserts that the Respondent has used the disputed domain name to operate a fraudulent scheme.

The Complainant likely could have provided more detail concerning the basis for which it believes the Respondent has no rights or legitimate interests in the disputed domain name. Nonetheless, the Panel finds, particularly in the absence of any response from the Respondent, that the Complainant has established, *prima facie*, that the Respondent lacks rights or legitimate interests in the disputed domain name. In these circumstances, where the Respondent has sought to imitate the Complainant by using registration information resembling the Complainant's business entity, it is challenging to imagine a legitimate use that the Respondent could make of the disputed domain name.

The Panel thus finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

The Policy requires a complainant to establish that a disputed domain name was registered and is being used in bad faith. The Policy describes several non-exhaustive circumstances demonstrating a respondent's bad faith registration and use. Under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent "[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent's] website or other online location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or a product or service on [the respondent's] website or location".

Noting that the Complainant's AKZONOBEL mark is well-known, that the Respondent appropriated the entire mark into the disputed domain name, and that the Respondent apparently sought to imitate the Complainant, it is implausible to believe that the Respondent was not aware of the AKZONOBEL mark when it registered the disputed domain name. Such a showing is sufficient to establish bad faith registration of the disputed domain name. Bad faith use is demonstrated from the asserted activities of the Respondent in using the disputed domain name to engage in a fraudulent scheme.

The Panel finds that the Complainant has successfully met this third UDRP element.

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 <akzonobell.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: April 13, 2023