

ADMINISTRATIVE PANEL DECISION

Sipchem Europe S.A. v. Domain Hub
Case No. DAE2023-0005

1. The Parties

The Complainant is Sipchem Europe S.A., Switzerland, represented by Watson Farley & Williams (Middle East) LLP, United Arab Emirates.

The Respondent is Domain Hub, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <sipchem.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2023. On July 18, 2023, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On July 19, 2023, AE Domain Administration (.aeDA) 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 UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 26, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was August 15, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on August 23, 2023. However, on August 24, 2023 the Respondent sent an informal email to the Center and the Complainant.

The Center appointed Zoltán Takács as the sole panelist in this matter on August 28, 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 part of the group of companies affiliated to Sahara International Petrochemical Company (Sipchem), a listed Saudi Arabian leading chemical manufacturing company that is present in more than 100 countries and employs over 1,400 people.

The Complainant is the trading and marketing entity of Sipchem.

The Complainant is owner of the International Trademark Registration No. 1470136 for the word mark SIPCHEM, registered since April 18, 2019.

The Complainant also owns the domain name <sipchem.com>, which was registered on December 2, 2001 and resolves to Sipchem's corporate website.

The disputed domain name, which was registered on July 5, 2023, redirects to a domain name trading platform. On July 13, 2023, the disputed domain name was offered for sale for USD 25,000. On September 7, 2023, the time of drafting the decision the disputed domain name was offered for sale for USD 10,000.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- the disputed domain name, which replicates its SIPCHEM trademark is identical to it;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name, and
- the Respondent has registered or acquired the disputed domain name in bad faith primarily for the purpose of selling the disputed domain name, for valuable consideration well in excess of the costs related to the disputed domain name.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

However, on August 24, 2023 the Respondent sent an informal email to the Center and to the Complainant, which among others reads: "We buy this domain to resell it again. We are not doing anything with the domain. The purpose of buying .ae domain is selling it again. We are open to sell the domain. We are not using the domain as spamming or any business deals."

6. Discussion and Findings

6.1 Nature of the UAE Domain Name Dispute Resolution Policy

The Panel notes that the UAE Domain Name Dispute Resolution Policy is substantially similar to the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and will in this case refer to prior UDRP cases and principles as well as the applicable sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), where applicable.

6.2 Substantive Matters

A complainant must evidence each of the three elements required by paragraph 6(a) of the Policy in order to succeed on the complaint, namely that:

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

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name is comprised of the Complainant’s trademark. The applicable Top Level Domain (“TLD”), in this case “.ae”, which as a standard registration requirement is disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is identical to the mark for the purposes of the Policy.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 6(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests to the disputed domain name for purposes of Section 6(a)(ii).

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has made demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Paragraph 6(c)(i) of the Policy;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or services marks rights. Paragraph 6(c)(ii) of the Policy;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 6(c)(iii) of the Policy, and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The Respondent is not affiliated with the Complainant in any way and the Complainant has not authorized the Respondent to use its SIPCHEM trademark in a domain name or otherwise.

The Respondent has admittedly registered or acquired the disputed domain name for no other reason than to offer it for sale. However, mere registration does not establish rights or legitimate interests in the disputed domain name (see *Pharmacia & Upjohn Company v. Moreonline*, WIPO Case No. [D2000-0134](#)).

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered or is Being Used in Bad Faith

The Panel notes that for the purposes of paragraph 6(a)(iii) of the Policy, paragraph 6(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel considers that the record of this case reflects that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling the disputed domain name to the trademark owner (or its competitor) for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name. Paragraph 6(b)(i) of the Policy.

The Respondent admittedly registered or acquired the disputed domain name for no other reason but to resell it.

In general, registration of a domain name for subsequent resale (including for a profit) does not by itself support a claim that the respondent registered the domain name in bad faith with the primary purpose of selling it to the trademark owner or its competitor. However, if the circumstances of the case indicate that the respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant's trademark, UDRP panels generally find bad faith on the part of the respondent. [WIPO Overview 3.0](#), section 3.1.1.

In the present case, the disputed domain name replicates the Complainant's distinctive trademark.

A basic Internet search against the disputed domain name returns solely the SIPCHEM business, of which the Complainant is part of.

The Respondent is the only entity named as registrant of the disputed domain name and therefore must be responsible for any use of it. Both the Respondent's and the SIPCHEM business' domicile is in the United Arab Emirates, and given the extensive operation of the SIPCHEM business for more than two decades, in view of the Panel it is more likely than not that the Respondent registered or acquired the disputed domain name with knowledge of the SIPCHEM trademark and business.

All these facts and circumstances in view of the Panel indicate that the Respondent's intent in registering or acquiring the disputed domain name was to profit in some fashion from or otherwise exploit the Complainant's trademark and the SIPCHEM business as opposed to potential legitimate speculation. Such conduct is indicative of bad faith on the part of the Respondent. [WIPO Overview 3.0](#), section 3.1.1.

Based on the available record, the Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <sipchem.ae> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: September 11, 2023