

ADMINISTRATIVE PANEL DECISION

Solvay SA v. TENGFEI WANG, PremiumDomainSeller
Case No. DME2023-0002

1. The Parties

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

The Respondent is TENGFEI WANG, PremiumDomainSeller, China.

2. The Domain Name and Registrar

The disputed domain name <solvay.me> (the “Domain Name”) is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2023. On January 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 2, 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 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 24, 2023.

The Center appointed Gregor Vos as the sole panelist in this matter on March 7, 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 Belgian company specialized in high-performance polymers and composites technologies and a leader in chemical products. The Complainant is present in 63 countries and has 21,000 employees worldwide.

The Complainant is the owner of *inter alia* the following trademark registrations (the "Trademarks"):

- European Union Trade Mark registration No. 000067801 for SOLVAY registered on May 30, 2000; and
- European Union Trade Mark registration No. 011664091 for SOLVAY registered on August 13, 2013; and
- Chinese trademark registration No. 11995224 for SOLVAY registered on February 7, 2015.

Further, it is undisputed that the Complainant is the holder of *inter alia* the domain name <solvay.com>.

The Domain Name was registered on November 1, 2022, and resolves to a webpage on which the Domain Name is being offered for sale.

5. Parties' Contentions

A. Complainant

The Complainant seeks that the Domain Name is transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Name is identical or confusingly similar to the Trademarks of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is identical to its well-known Trademarks. The addition of the country code Top-Level Domain ("ccTLD") ".me" has to be disregarded and does not prevent a likelihood of confusion.

Secondly, according to the Complainant, the Respondent has no rights or legitimate interests in the Domain Name. The Respondent is not commonly known by the Domain Name and has never received a license or any other form of authorization from the Complainant to use the Trademarks and has no prior rights to the Domain Name. Further, the fact that the Trademarks are identical to the Domain Name results in a high risk of implied affiliation, with the ccTLD ".me" increasing this risk, since this could be considered to refer to a personal page or portal linked to the Complainant. Also, the Domain Name currently resolves to a webpage on which the Domain Name is offered for sale for an amount of USD 1,450, which does not amount to a legitimate or fair use of the Domain Name.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Name in bad faith. In light of the well-known character of the Complainant's Trademarks, it is inconceivable that the Respondent registered the Domain Name without knowledge of the Complainant and its Trademarks. Also, according to the Complainant, the Domain Name is being used in bad faith. The mere registration of a domain name that is identical or confusingly similar to a famous trademark can by itself create a presumption of bad faith. Further, it cannot be excluded that the Respondent uses or will use the Domain Name for fraudulent activities. Finally, the offer for sale of the Domain Name demonstrates that it was registered with the intention to sell the Domain Name to the Complainant or a competing entity for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the Domain Name.

B. Respondent

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

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to a trademark or a 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 and is being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Name with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademarks and the Domain Name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademarks are incorporated in their entirety and identically in the Domain Name. The addition of the ccTLD ".me" is a technical requirement, and does not prevent a finding of confusing similarity with the Trademarks (see sections 1.7 and 1.11 of the [WIPO Overview 3.0](#)). Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Name. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in the Domain Name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the *prima facie* case established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present. The lack of rights or legitimate interest of the Respondent in the Domain Name is confirmed by the fact that the Domain Name is identical to the Complainant's trademark, without any other explanation for its registration, being offered for sale on the website it resolves to (see *e.g. Kiwibank Limited v. Privacy Protection / Brands Delight / Prime Market*, WIPO Case No. [D2022-1041](#)).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the Domain Name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances, which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Trademarks are registered by the Complainant and have been used for many years. The Complainant's rights to the Trademarks predate the registration date of the Domain Name. In light of the reputation of the Trademarks, including in China where the Respondent is located, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademarks under which the Complainant is doing business (see *e.g. Solvay SA v. Domain Administrator*, WIPO Case No. [D2015-1867](#)). The reputation of the Trademarks of the Complainant has been confirmed by earlier UDRP panels (see *e.g. SOLVAY Société Anonyme v. Privacy Service Provided by Withheld for Privacy ehf / Gary Reid*, WIPO Case No. [D2022-2586](#); and *SOLVAY Société Anonyme v. Not disclosed Not disclosed, MRSOFT Consults*, WIPO Case No. [D2021-4278](#)).

Further, the Panel considers that the offer for sale of the Domain Name on the website it resolves to indicates that the Domain Name was registered with the intention to sell it to the Complainant or a competitor for valuable consideration likely in excess of the Respondent's out-of-pocket costs directly related to the Domain Name. This indicates use and registration of the Domain Name in bad faith of the Respondent, which the Respondent has failed to rebut (see *e.g. Kiwibank Limited v. Privacy Protection / Brands Delight / Prime Market*, WIPO Case No. [D2022-1041](#)).

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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 Domain Name <solway.me> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: March 21, 2023