

ADMINISTRATIVE PANEL DECISION

Fosroc International Limited v. Nsong Asoh Gerald, Axonchain
Case No. D2025-1616

1. The Parties

The Complainant is Fosroc International Limited, United Kingdom, represented by Barker Brettell LLP, United Kingdom.

The Respondent is Nsong Asoh Gerald, Axonchain, Cameroon.

2. The Domain Name and Registrar

The disputed domain name <fosrochemicals.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 24, 2025, 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 (The Registrant of the Disputed Domain Name) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 1, 2025.

The Center verified that the Complaint together with the amended 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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit a formal response. The Respondent sent an informal email communication to the Center on May 9, 2025, indicating its willingness to settle the dispute. The Center sent a possible settlement email to the Parties on May 12, 2025, but the

Complainant did not request the suspension of the proceedings. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on June 4, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 11, 2025. 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, a United Kingdom company established in 1969, is a British manufacturer of specialized construction chemicals that cater to a range of sectors including commercial, industrial, residential, marine and infrastructure. The Complainant has offices and manufacturing locations across Europe, the Middle East and North and South Asia.

The Complainant owns various word and figurative trademarks for the FOSROC mark in multiple jurisdictions. The relevant trademark registrations include, inter alia, the United Kingdom Trademark Registration No. UK00003068519 for FOSROC in Classes 1, 2, 17, and 19 registered on January 16, 2015, the United Kingdom Trade Mark Registration No. UK00001474514 for  in Classes 1, 2, 17, and 19 registered on September 30, 1994, and the European Union Trademark Registration No. 017998862 for FOSROC in Classes 1, 2, 17, and 19 registered on May 30, 2019 (the "Complainant's Trademark").

The Disputed Domain Name was registered on March 10, 2025, many years after the Complainant registered the Complainant's Trademark. At the time of filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to a website that refers itself as "Fosroc Chemicals" and "Fosroc", and advertises itself as a chemical company with a business similar to that of the Complainant (the "Respondent's Website").

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:

- (a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The dominant and distinctive element of the Disputed Domain Name "fosroc" is identical to the Complainant's Trademark. The Respondent has intentionally omitted another "c" letter for the suffix "chemicals" in the Disputed Domain Name.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no evidence that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name is in connection with a bona fide offering of goods or services. The Disputed Domain Name was registered a significant number of years after the Complainant's incorporation and the start of the Complainant's rights in and use of the FOSROC mark. The Complainant has not given permission to the Respondent to register a domain name which is confusingly similar to the Complainant's Trademark. The Respondent appears to have registered the Disputed Domain Name to attract, for commercial gain, internet users to the Respondent's Website by suggesting some form of affiliation, or endorsement of the Respondent's services.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent has used the Disputed Domain Name in a way which is likely to confuse consumers into believing that the Disputed Domain Name is registered, operated or authorized by, or otherwise connected with the Complainant. The use of the Complainant's Trademark in the Disputed Domain Name and the use of the Respondent's Website for purported sale of goods and services identical to that of the Complainant show that the Respondent is attempting to mislead users into believing that the Respondent's Website is owned and operated by the Complainant and to attract commercial gain based on such confusion.

B. Respondent

The Respondent did not submit a formal response to address the Complainant's contentions. In its email communication dated May 9, 2025, the Respondent indicated that "I wish to settle the dispute I really do not have time for this as there are many domain names out there".

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 by the Respondent 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

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 entirety of the Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element.

Although the addition of another term (here, "hemicals") may bear on the assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name.

Although 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 difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control 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 (although the burden of proof always remains on the complainant). 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.

The Panel notes that there is no evidence on the available record to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from the Complainant. The reproduction of the Complainant's Trademark, with the additional term "hemicals" (Internet users may not notice the subtle difference with the word "chemicals", and also noting Internet users may read this term together with the Complainant's Trademark ending with the letter "c"), as well as the use of the Complainant's Trademark on the Respondent's Website also lead to a risk of implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant.

There is also no evidence to suggest that the Respondent's use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent used the Respondent's Website to impersonate or pass itself off as the Complainant by featuring the Complainant's Trademark and advertising a business similar to that of the Complainant. The Respondent's Website attempts to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant's Trademark.

Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having reviewed the available record, the Panel finds 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 such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(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.

In the present case, the Panel notes that it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety together with a minor misspelled term "hemicals" which may be mistaken as "chemicals" if Internet users do not notice the subtle difference, and the Respondent's Website displays the Complainant's Trademark and advertises a business similar to that of the Complainant. The Respondent has registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name given the well-known nature of the Complainant's Trademark in its industry and the fact that it was put into use well before the Respondent registered the Disputed Domain Name. Moreover, the Respondent's Website features the Complainant's Trademark to create an impression of being a website authorized or endorsed by the Complainant when it is not.

Panels have held that the use of a domain name for illegitimate activity, in this case claimed impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 finds that the Complainant has established the third element 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 <fosrochemicals.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: June 26, 2025