

ADMINISTRATIVE PANEL DECISION

Umicore v. Proxy Protection LLC, Proxy Protection LLC / Sharon Mohale
Case No. D2022-0526

1. The Parties

The Complainant is Umicore, Belgium, represented by Gevers Legal NV, Belgium.

The Respondent is Proxy Protection LLC, Proxy Protection LLC, United States of America / Sharon Mohale, South Africa.

2. The Domain Name and Registrar

The disputed domain name <umicoreglobalservice.com> (the “Domain Name”) is registered with DreamHost, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 15, 2022. On February 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2022, 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 February 28, 2022.

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 March 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2022.

The Center appointed Dawn Osborne as the sole panelist in this matter on April 14, 2022. 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 the owner of the mark UMICORE registered for recycling related goods and services as International registration 0692900 based on a priority date of July 23, 2001.

The Domain Name registered in 2022 has not been used.

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarised as follows:

The Complainant is the owner of the mark UMICORE registered for recycling services as International registration 0692900 based on a priority date of July 23, 2001.

The Domain Name registered in 2022 is confusingly similar to the Complainant's UMICORE mark containing it in its entirety together with the words "global" and "service" and the generic Top Level Domain ("gTLD") ".com" none of which distinguish the Domain Name from the Complainant's mark.

The Respondent is not commonly known by the Domain Name and has not been authorised by the Complainant to use its mark. The Domain Name has not been used so there has been no *bona fide* offering of goods and services or legitimate noncommercial fair use. The Respondent has no rights or legitimate interests in the Domain Name.

Passive holding of a confusingly similar domain name containing a third party mark with prior rights is evidence of registration and use in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name in this Complaint combines the Complainant's UMICORE mark (registered as an International registration 0692900 for recycling related products and services based on a priority date of July 23, 2001) with the terms "global" and "service" and the gTLD ".com".

The addition of the dictionary words "global" and "service" and the gTLD ".com" which is a necessary functional part of a domain name does not prevent the Domain Name from being confusingly similar to the Complainant's UMICORE mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights for the purpose of the Policy.

B. Rights or Legitimate Interests

The Complainant has not authorised the use of its UMICORE mark. There is no evidence or reason to suggest the Respondent is, in fact, commonly known by the Domain Name.

There has been no use of the Domain Name. Inactive use does not amount to a *bona fide* offering of goods or services or a legitimate noncommercial fair use.

The Respondent has not answered this Complaint or explained why it should be allowed to register a domain name containing the Complainant's mark, which has a reputation for recycling services.

As such, the Panel finds that the Respondent does not have rights or a legitimate interest in the Domain Name and that the Complainant has satisfied the second limb of the Policy.

C. Registered and Used in Bad Faith

The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant seeks to profit from or exploit the trade mark of another.

This is a case of passive holding of a domain name containing a mark with a reputation. See *Telstra Corporation Limited v Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (February 18, 2000). Considering (i) the distinctiveness and reputation of the Complainant's UMICORE mark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the Respondent's concealing its identity, and (iv) the implausibility of any good faith use to which the Domain Name may be put, the Panel finds that the Domain Name has been registered and used in bad faith.

As such, the Panel holds that the Complainant has made out its case that the Domain Name was registered and used in bad faith and has satisfied the third limb 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, <umicoreglobalservice.com> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: April 20, 2022