

ADMINISTRATIVE PANEL DECISION

SOLVAY Société Anonyme v. Eveny Shaw

Case No. D2022-3304

1. The Parties

The Complainant is SOLVAY Société Anonyme, Belgium, represented by PETILLION, Belgium.

The Respondent is Eveny Shaw, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <solvay.work> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 6, 2022. On September 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 6, 2022, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 September 7, 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 September 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2022.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on October 21, 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, Solvay Société anonyme, is a global science company specialized in high-performance polymers and composites technologies, and a leader in chemicals. It employs over 21.000 people, in 63 countries. It is widely present in social media, and it was ranked the 10th most valuable brand in Belgium in 2019, according to Brand Directory. The Complainant is present in particular in the United States, where it relies on 11 R&I centers, 9 headquarters, 8 offices and 45 production sites.

As a basis for its Complaint, the Complainant relies on *inter alia*, the European Union trademark SOLVAY (word) No. 67801, registered on May 30, 2000, and on the international trademark SOLVAY (word) No. 1171614, registered on February 28, 2013 and which produces its effects in particular in the United States.

The Complainant owns since 1995 the domain name <solway.com>. This domain name is used in particular to promote its services.

The disputed domain name <solway.work> was registered on August 16, 2022, through a privacy shield service. The identity of the Respondent, an individual domiciled in the United States, was disclosed by the Registrar in the course of this proceeding.

The disputed domain name used to resolve to the Complainant's webpage, more precisely to the section of "career opportunities", available at "www.solway.com/en/career". Further to a request of the Complainant, and in spite of an initial refusal, the Registrar eventually blocked the disputed domain name.

5. Parties' Contentions

A. Complainant

The arguments of the Complainant can be summarized as follows:

On the first element of the Policy, the Complainant claims that the disputed domain name is identical to its trademarks SOLVAY, as it is well established that the addition of the generic Top-Level Domain ("gTLD") can be disregarded when conducting the comparison.

On the second element of the Policy, the Complainant indicates that the Respondent is not commonly known by the disputed domain name. This is confirmed by two elements: first, the fact that the Respondent deliberately used a privacy service aimed at hiding his/her identity confirms that he/she is not known under the disputed domain name. Second, the name of the Respondent, as disclosed by the Registrar, does not coincide with the disputed domain name. Also, the Complainant disregards any possible *bona fide* use of the disputed domain name: firstly because the disputed domain name is identical to the well-known trademark of the Complainant, and secondly because redirecting users to the "career opportunities" section of the Complainant's website does not amount to fair use.

On the third element of the Policy, the Complainant has distinguished between the registration and the use of the disputed domain name. On the bad faith registration, it indicates that the Respondent indisputably knew of its existence and of its trademarks, as it reproduced its trademark identically, and redirected users to its own website. On the bad faith use, the Complainant relies on several claims. First, it indicates that "By registering the Disputed Domain Name, the Respondent prevents the Complainant from reflecting its

mark in a corresponding domain name. The effect of the registration is to affect the business of the Complainant by attracting visitors looking for information about the Complainant or its marks and creating difficulties for persons searching the Internet". Second, it considers that the mere registration of a domain name that is identical to a well-known mark creates a presumption of bad faith. It relies also on a number of factors such as "seeking to cause confusion for the respondent's commercial benefit, even if unsuccessful; the lack of a respondent's own rights to or legitimate interests in a domain name; redirecting the domain name to the complainant's website; absence of any conceivable good faith use". Finally, the Complainant states that "Given the well-known and distinctive character of the Complainant's mark, it is impossible to imagine any plausible legitimate use of the Disputed Domain Name by the Respondent, especially in view of the global reach of the Complainant. Moreover, it cannot be excluded that the Respondent uses or will use the Disputed Domain Name for fraudulent activity, e.g., by profiting of the likelihood of confusion with the Complainant's trademark for phishing activities. The Complainant noticed that the email function of the Disputed Domain Name is enabled".

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove all of the following three elements in order to be successful in these proceedings:

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant, under the first requirement of paragraph 4(a) of the Policy, needs to establish that the disputed domain name is identical or confusingly similar to a trademark or a service mark in which it has rights.

The Complainant has shown that it holds rights over the trademark SOLVAY.

The disputed domain name <solvay.work> is identical to the Complainant's trademark, insofar the gTLD ".work" plays no role in this assessment.

Therefore, the first element of the Policy is satisfied.

B. Rights or Legitimate Interests

Under the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such a *prima facie* case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

As indicated by the Complainant, the Respondent does not appear to be known by the disputed domain name, or to have been licensed or otherwise authorized by the Complainant to use its trademark in a domain name or otherwise.

Likewise, the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services.

Additionally, being identical to the Complainant's trademark, the disputed domain name carries a high risk of implied affiliation. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Therefore, and in the absence of any contradictory statement by the Respondent, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

In order to prevail under the third element of paragraph 4(a)(iii) of the Policy, the Complainant must demonstrate that the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy lists a number of circumstances which, without limitation, are deemed to be evidence of the registration and use of a domain name in bad faith. These are:

- (i) circumstances indicating that [a respondent has] registered or acquired a disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the complainant or to a competitor of the complainant, for valuable consideration in excess of [the respondent's] documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) [the respondent has] registered the disputed domain name in order to prevent the complainant from reflecting the complainant's trademark or service mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) the respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location.

The Panel concurs with the Complainant that the disputed domain name was registered and used in bad faith.

Bad faith registration is evidenced here by the fact that the Respondent, immediately after the registration of a domain name identical to the well-known trademark SOLVAY, took the initiative of redirecting it to the webpage of the Complainant. Therefore, the Respondent positively knew the Complainant's trademark, and chose to reproduce it in the disputed domain name to create confusion.

A finding of bad faith use is also in order here because the Respondent is creating confusion with the Complainant's activities, which can solely be prejudicial to both the Complainant and the public. The Respondent registered the disputed domain name under the gTLD ".work", and it appears to have done so on purpose. The Respondent's intention was to redirect users to the job section of the website of the Complainant in order to confer an apparent legitimacy to it. But most likely, the Respondent's intention is to conduct phishing activities by configuring email addresses under the disputed domain name. Particularly noting the abovementioned circumstances, and that the Complainant has demonstrated that MX records were configured on the disputed domain name.

Other elements tend to confirm the findings of bad faith registration and use:

- The Respondent has failed to file a response to the Complaint;
- The Respondent has taken active steps to conceal his/her true identity by using a privacy shield service.

Therefore, the third criteria set out in paragraph 4(a) of the Policy is also satisfied, and the Complaint succeeds.

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 <solvay.work> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: November 9, 2022