

ADMINISTRATIVE PANEL DECISION

AdvanSix Resins & Chemicals LLC v. AdvanSix Inc.
Case No. D2022-3742

1. The Parties

The Complainant is AdvanSix Resins & Chemicals LLC, United States of America (“United States”), represented by Faegre Drinker Biddle & Reath, United States.

The Respondent is AdvanSix Inc., United States.

2. The Domain Name and Registrar

The disputed domain name <advansiix.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 6, 2022. On October 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 8, 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 and contact information in the Complaint (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)). The Center sent an email communication to the Complainant on October 13, 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 October 18, 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 October 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 10, 2022.

The Center appointed Evan D. Brown as the sole panelist in this matter on December 1, 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 in the business of manufacturing resins and chemicals. It owns the trademark ADVANSIX, which it has registered in at least 27 countries, including the United States (Reg. No. 5,321,829 registered on October 31, 2017).

According to the Whois records, the disputed domain name was registered on February 8, 2022. The Complainant notes that although the information provided by the Registrar identifying the Respondent as AdvanSix, Inc., which is the name of the Complainant's parent company, such name is false and indicates the Respondent is seeking to imitate the Complainant. At the time of the filing of the Complaint, the disputed domain name did not resolve to an active web page.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed 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 disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the ADVANSIX mark by providing evidence of its trademark registrations.

The disputed domain name closely resembles the ADVANSIX mark except for the addition of an extra letter "i" within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the ADVANSIX mark for purposes of the policy. See *America Online, Inc. v. John Zuccarini*,

WIPO Case No. [D2000-1495](#) (finding that “the mere addition of a minor misspelling [...] does not create a new or different mark in which the Respondent has rights. Instead it results in a domain name that is confusingly similar to Complainant’s mark”.)

The Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that the Respondent is not using the disputed domain name for a legitimate business purpose, nor is the Respondent authorized by the Complainant to use the ADVANSIX mark. More specifically, the Complainant asserts the Respondent is using the disputed domain name to impersonate the Complainant, as shown by the use of the Complainant’s parent company’s name in the registration information. The Complainant also asserts that there is no evidence the Respondent has become commonly known by the term “advansiix” which appears within the disputed domain name.

The Panel finds that the Complainant has made the required *prima facie* showing. The Respondent has not presented evidence to overcome this *prima facie* showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor. Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Registered and Used in Bad Faith

Because the Complainant’s ADVANSIX mark is registered in jurisdictions around the world, and because the Respondent used the name of the Complainant’s parent company when registering the disputed domain name (apparently to impersonate the Complainant), the Panel finds it likely that the Respondent was aware of the Complainant and the ADVANSIX mark when it registered the disputed domain name. In the circumstances of this case, without the benefit of any explanation whatsoever from the Respondent as to a possible good faith use of the disputed domain name, such a showing is sufficient to establish bad faith registration of the disputed domain name.

The circumstances also demonstrate bad faith use of the disputed domain name in terms of the Policy. Where a disputed domain name is “so obviously connected with such a well-known name and products [...] its very use by someone with no connection with the products suggests opportunistic bad faith.” See, *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#). Furthermore, from the inception of the UDRP, panels have found that the non-use of a domain name (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding (see [WIPO Overview 3.0](#), section 3.3).

The Complainant has established this third Policy element.

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 <advansiix.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: December 16, 2022