

ADMINISTRATIVE PANEL DECISION

Solvay France v. Raya Koleva
Case No. D2022-4935

1. The Parties

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

The Respondent is Raya Koleva, Romania.

2. The Domain Name and Registrar

The disputed domain name <rhodiahr.com> (the “Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2022. On December 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 23, 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 (Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 December 26, 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 January 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 31, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 3, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 17, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is part of the Solvay group of companies, a global science corporation specialized in polymers, composites technologies and chemicals. The Complainant's group was founded 1863 and employs more than 21.000 people in 63 countries. Its net sale was EUR 10,1 billion in 2021. In 2010-2011, the Complainant's group acquired the French chemical company Rhodia.

The Complainant holds several registered trademarks in RHODIA, such as International trademark registration no. 170326, registered on July 13, 1953, and International trademark registration no. 548371, registered on February 28, 1989, both with designation in Romania, where the Respondent is located.

The Complainant also holds various domain names, such as <rhodia.com>, <rhodia.eu>, <rhodia.info> and <rhodia.org>.

The Domain Name was registered on December 4, 2022. At the time of drafting the decision, the Domain Name appears to be inactive.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Complainant's trademark is distinctive and well-known. The Domain Name is confusingly similar to the Complainant's trademark as the Domain Name incorporates the Complainant's trademark in its entirety and simply adds the abbreviation "hr", which is a common abbreviation for the term "human resources". The addition would not prevent a finding of confusing similarity under the first element.

The Complainant asserts that it has never authorized or licensed the Respondent to use its trademark. The Respondent is not in any way related to the Complainant. The Domain Name consists of the Complainant's trademark plus an additional term. It cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

The Complainant submits that the Respondent must have been aware of the Complainant prior to registering the Domain Name. The Domain Name incorporates the Complainant's trademark in its entirety and simply adds an abbreviation for the term "human resources", which can be easily linked to the Complainant. The Complainant and its trademarks are distinctive and well-known all over the world, including in Romania where the Respondent is located. The Complainant's trademarks were registered decades before the Domain Name. The Complainant has had a business presence in Romania for over 120 years. Moreover, the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity, can by itself create a presumption of bad faith. It is impossible to imagine any plausible legitimate use of the Domain Name by the Respondent. Finally, the Respondent took active steps to conceal its identity with privacy services, which also points to bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark RHODIA. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name is identical to the Complainant's trademark, except for the addition of "hr". This does not prevent a finding of confusing similarity between the Domain Name and the trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered rights. There is no evidence that the Respondent has been commonly known by the Domain Name.

The Respondent has not provided any evidence of good faith use of the Domain Name.

Accordingly, the Panel finds that the Complainant has established an unrebutted *prima facie* case and that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that the Complainant's rights predate the Respondent's registration of the Domain Name, and cover Romania where the Respondent appears to be located. The Respondent's registration of the Domain Name that incorporates the Complainant's trademark, does indeed raise the need for an explanation from the Respondent. The Respondent has provided no evidence of any actual or contemplated good faith use and taken steps to conceal its identity. The Panel cannot see any plausible actual or contemplated active good faith use of the Domain Name by the Respondent.

The Domain Name has been inactive, but the non-use of a domain does not prevent a finding of bad faith under the doctrine of passive holding. See WIPO Overview section 3.3.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <rhodiahr.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: February 27, 2023