

ADMINISTRATIVE PANEL DECISION

SOLVAY SA v. 杭州索尔维软件有限公司
(hangzhousuoerweiruanjianyouxiangongsi)
Case No. D2023-0631

1. The Parties

The Complainant is SOLVAY SA, Belgium, represented by PETILLION, Belgium.

The Respondent is 杭州索尔维软件有限公司 (hangzhousuoerweiruanjianyouxiangongsi), China.

2. The Domain Name and Registrar

The disputed domain name <solvasoft.com> is registered with DNSPod, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2023. On February 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2023, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 2023, 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 in English on February 21, 2023.

On February 13, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On February 21, 2023, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 15, 2023.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on March 22, 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a global chemical company headquartered in Belgium. The Complainant is specialized in high-performance polymers and composites technologies, and is a leading company offering mainly chemical products. The Complainant's group was founded 1863, has its registered offices in Brussels and employs more than 21,000 people throughout 63 countries. Its net sale revenue for the year 2021 was EUR 10.1 billion.

The Complainant owns an extensive international trademark portfolio for the mark SOLVAY, including the following registrations: SOLVAY, European Union word mark, registered on May 30, 2000 under No. 000067801; and SOLVAY, Chinese word mark, registered on February 7, 2015 under No. 11995224. The Complainant also owns a number of official domain names which contain its trademark SOLVAY, including <solway.com> registered on March 21, 1995.

The disputed domain name was registered on September 6, 2022, and is therefore of a later date than the abovementioned trademark registrations of the Complainant. The Complainant submits evidence that the disputed domain name directs to a webpage without substantive content (which is either blocked or merely states “企业微信待接入”, which means in English “Enterprise WeChat to be connected”).

5. Parties' Contentions

A. Complainant

The Complainant essentially contends that the disputed domain name is confusingly similar to its trademarks for SOLVAY, 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.

The Complainant claims that its trademarks are intensively used and well known and provides evidence of its company and marketing materials. The Complainant also refers to a number of prior UDRP decisions in which earlier panels have recognized the Complainant's rights in the SOLVAY marks and considered that such marks are internationally well known, see for instance, *SOLVAY Société Anonyme v. Not disclosed Not disclosed, MRSOFT Consults*, WIPO Case No. [D2021-4278](#). The Complainant particularly contends that the Respondent is holding the disputed domain name passively, without making any use of it. The Complainant also argues that given the international fame of its trademarks, the Respondent cannot have been unaware of them at the time of registration of the disputed domain name. Moreover, the Complainant contends that the Respondent registered the disputed domain name to prevent the Complainant from reflecting its trademarks in the disputed domain name and that the Respondent is passively holding the disputed domain name. Finally, the Complainant also argues that 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 essentially concludes that there are no justifications for such registration and use of its trademarks in the disputed domain name and that such registration and use is made in bad faith.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

Pursuant to paragraph 11(a) of the Rules, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

According to the Registrar's verification response, the language of the Registration Agreement for the disputed domain name is Chinese. Nevertheless, the Complainant filed its Complaint in English, and requests that English be the language of the proceeding. The Panel notes that the Respondent did not comment on the language of the proceeding and did not submit any arguments on the merits of this proceeding.

In considering the language of this proceeding, the Panel has carefully taken into account all elements of this case, and considers the following elements particularly relevant: the Complainant's request that the language of the proceeding be English; the lack of response on the merits of this proceeding by the Respondent (the Panel notes that the Respondent was invited in a timely manner by the Center in Chinese and in English to present its response and arguments in either Chinese or English, but chose not to do so); the fact that the disputed domain name contains the Complainant's SOLVAY trademark in its entirety, that it is written in Latin letters and not in Chinese characters and that it contains the English word "soft"; and, finally, the fact that Chinese as the language of this proceeding could lead to unwarranted delay of the proceeding and costs for the Complainant. In view of all these elements, the Panel grants the Complainant's request, and decides that the language of this proceeding shall be English.

6.2. Discussion and Findings on the Merits

The Policy requires the Complainant to prove three elements:

- (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.

Based on the evidence and arguments submitted, the Panel's findings are as follows:

A. Identical or Confusingly Similar

The Panel finds that the Complainant has shown that it has valid rights in the mark SOLVAY, based on its use and registration of the same as a trademark in multiple jurisdictions.

As to confusing similarity of the disputed domain name with the Complainant's marks, the Panel considers that the disputed domain name consists of the combination of two elements, respectively, the Complainant's SOLVAY trademark combined with the term "soft". According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)"), section 1.8, "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive,

geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". The Panel concludes that the disputed domain name contains the entirety of the Complainant's trademarks for SOLVAY, which remains easily recognizable, and that the addition of the term "soft" does not prevent a finding of confusing similarity. The Panel also notes that the applicable generic Top-Level Domain ("gTLD") (".com" in this case) is viewed as a standard registration requirement, and may as such be disregarded by the Panel, see in this regard the [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark for SOLVAY, and concludes that the Complainant has satisfied the requirements of the first element under the Policy.

B. Rights or Legitimate Interests

On the basis of the evidence and arguments submitted, the Panel accepts that the Complainant makes out a *prima facie* case that the Respondent is not, and has never been, an authorized reseller, service provider, licensee or distributor of the Complainant, is not a good faith provider of goods or services under the disputed domain name and is not making a legitimate noncommercial use or fair use of the disputed domain name. The Panel also notes that the Respondent is not commonly known by the disputed domain name. As such, the Panel finds that the burden of production regarding this element shifts to the Respondent (see [WIPO Overview 3.0](#), section 2.1). However, no evidence or arguments have been submitted by the Respondent in reply.

Further, reviewing the facts of this proceeding, the Panel notes that the disputed domain name directs to a webpage without substantive content and that there are no elements in this case that point to the Respondent having made any reasonable and demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services. The Panel therefore finds that the Respondent is merely holding the disputed domain name, without making any substantive use of it, and that such use does not confer any rights or legitimate interests in the disputed domain name on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#) and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

Furthermore, the Panel agrees with the Complainant that the nature of the disputed domain name, being confusingly similar to the Complainant's trademarks for SOLVAY and containing the word "soft" related to the Complainant's activities in the area of software or to the Complainant's products regarding haircare, skincare, textiles and fibers, and laundry cleaning, carries a risk of implied affiliation. Such composition of the disputed domain name cannot constitute fair use, as it effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

On the basis of the foregoing elements, the Panel considers that none of the circumstances of rights or legitimate interests envisaged by paragraph 4(c) of the Policy apply, and finds that the Complainant has satisfied the requirements of the second element under the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the registration of the disputed domain name, which contains the Complainant's internationally well-known trademarks for SOLVAY in its entirety, is clearly intended to mislead and divert consumers away from the Complainant's official website to a website which may be linked to the disputed domain name by the Respondent. The Panel has also considered that the Complainant has a strong Internet presence and has had a business presence in China since the 1970s and that previous panels under the UDRP have also recognized the SOLVAY marks as internationally well known (see for instance *SOLVAY Société Anonyme v. Not disclosed Not disclosed, MRSOFT Consults*, WIPO Case No. [D2021-4278](#)). Based on these facts, the Panel finds that the Respondent's registration of the disputed domain name constitutes an intentional attempt to target the Complainant's well-known trademark, of which

the Respondent could not reasonably be unaware. Furthermore, even a cursory Internet search at the time of registration of the disputed domain name would have shown that the Complainant owned the registered trademarks in SOLVAY and uses them extensively, including in China where the Respondent is located. Based on the above elements, the Panel finds that the registration of the disputed domain name was obtained in bad faith.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the disputed domain name directs to a website without substantive content (which merely states “企业微信待接入”, which means in English “Enterprise WeChat to be connected”). The Panel finds that such use is similar to the non-use of the disputed domain name. In this regard, the [WIPO Overview 3.0](#), section 3.3 provides: “From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or ‘coming soon’ page) would not prevent a finding of bad faith under the doctrine of passive holding”. The Panel has reviewed all elements of this case, and attributes particular relevance to the following elements: the fact that the disputed domain name is confusingly similar to the Complainant’s trademarks for SOLVAY, the international fame and high degree of distinctiveness of the Complainant’s trademarks, and the unlikelihood of any good-faith use to which the disputed domain name might be put by the Respondent. In these circumstances, the Panel considers that the passive holding of the disputed domain name by the Respondent constitutes use in bad faith.

Finally, the Respondent has failed to provide any response or evidence to establish its good faith or absence of bad faith. The Panel therefore finds that the Complainant has satisfied the requirements of the third requirement under 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 <solvasoft.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: March 30, 2023