

ADMINISTRATIVE PANEL DECISION

Univar Solutions Inc. v. Patrice Beaut, Patrice Beaut
Case No. D2024-1216

1. The Parties

The Complainant is Univar Solutions Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is Patrice Beaut, Patrice Beaut, France.

2. The Domain Name and Registrar

The disputed domain name <fr-univarsolutions.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2024. On March 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 22, 2024, 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 March 25, 2024, 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 March 25, 2024.

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 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2024.

The Center appointed Peter Wild as the sole panelist in this matter on April 24, 2024. 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 and ingredient distribution company. It operates across a number of varied industries; these include, among many others, aerospace, agriculture, beauty and personal care, and chemical manufacturing. The Complainant provides its services globally across locations within the United States, Canada, Latin America, Asia and Europe. It was founded in 1924, and following a number of mergers and takeovers, it became to be known as UNIVAR since the early 1970s, which this changed in 2019 to 'UnivarSolutions'. The Complainant operates online from "www.univarsolutions.com".

The Complainant has registered trademark rights for UNIVAR, such as:

UNIVAR United States 1724817 registered October 20, 1992 classes 1, 3, 4, 5, 39,42;

UNIVAR China 3233860 registered February 7, 2004 class 2;

UNIVAR European Union 002717809 registered October 7, 2005 classes 1-5, 7-9, 35,39, 40, 42

The Complainant furthermore uses the trademark UNIVARSOLUTIONS and holds domain names such as <univarsolutions.net>.

The disputed domain name was registered on December 13, 2023.

The disputed domain name does not lead to an active website. However, it has seemingly been used for sending emails impersonating the Complainant's employees and trying to lure recipients into making payments into bank accounts which allegedly are connected to the Respondent.

There is no information available about the Respondent beyond the name and address.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that its trademarks UNIVAR are wholly and identically contained within the disputed domain name. Many UDRP decisions have considered the name UNIVAR as a well-known trademark, see *Univar Solutions Inc. v. Golden Bud*, WIPO Case No. [D2023-2333](#).

The Complainant further alleges that the Respondent does not have rights or legitimate interests in respect of the disputed domain name under paragraph 4(a)(ii), and that the disputed domain name was registered and used in bad faith, especially as the Complainant is using the almost identical domain name for all worldwide email accounts of its employees. Finally, the Complainant contends that the Respondent took measures to conceal his identity by using a fake address and phone number.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Although the addition of other terms, here, fr- and solutions, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The term fr- indicates a country specification, while the term solutions is generic and also used by the Complainant in the company name which is Univar Solutions. These additional elements do not have any influence on the overall similarity between the Complainant's trademarks and the disputed domain name.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing, impersonation/passing off,, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent configured the disputed domain name to an email server to impersonate employees of the Complainant, trying to trick the recipient into paying into a wrong bank account which is not affiliated with the Complainant (Annexes 12 and 13).

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <fr-univarsolutions.com> be transferred to the Complainant.

/Peter Wild/

Peter Wild

Sole Panelist

Date: May 8, 2024