

ADMINISTRATIVE PANEL DECISION

SYENSQO S.A. v. Phil Bennett

Case No. D2024-4723

1. The Parties

The Complainant is SYENSQO S.A., Belgium, represented by Fencer BV, Belgium.

The Respondent is Phil Bennett, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <syensqo.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 15, 2024. On November 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 15, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 20, 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 November 20, 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 November 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 12, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on December 19, 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 technology company based in Brussels, Belgium that develops and manufactures advanced materials and chemical products for a wide range of industries. Its shares are listed on Euronext, and it has more than 13,000 employees worldwide, divided over 30 countries. Its largest market is the United States. The Complainant adopted the name SYENSQO following its demerger from Solvay SA in December 2023.

The Complainant is the proprietor of a number of registered trademarks comprising SYENSQO, including International trademark number 1773284 SYENSQO registered on June 26, 2023; France trademark number 4969218 SYENSQO registered on December 8, 2023; and International trademark number 1784374 figurative mark SYENSQO and device registered on December 4, 2023.

The Complainant is also the owner of numerous domain name registrations comprising SYENSQO, both country code Top-Level Domains and generic Top-Level Domains ("gTLDs"), the majority of which were registered in June 2023, and which are linked to its website at "www.syensqo.com" where it promotes the Complainant and its products.

The Domain Name was registered on October 25, 2024. It does not resolve to an active website.

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 Domain Name.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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 uncontested rights in the SYENSQO trademark (the “Mark”) by virtue of its trademark registrations. Ignoring the gTLD “.com”, the Domain Name comprises the entirety of the Complainant’s SYENSQO trademark, save for the addition of an additional letter “e”. In the view of the Panel, this slight misspelling (indicative of “typosquatting”) does not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights and 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. Accordingly, 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Respondent has not made any use of the Domain Name. The Domain Name does not have any natural meaning in the English language and is not a dictionary term. The Mark is an unusual neologism and, in the absence of any explanation by the Respondent, the Panel cannot conceive of any significance of the Domain Name except as a misspelling of the Mark.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name and that 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 light of the nature of the Domain Name, comprising as it does a slight misspelling of the Complainant’s Mark, the Panel considers on balance that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. Although the Respondent has not apparently made any use of the Domain Name, numerous UDRP panelists have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. As set out in section 3.3 of [WIPO Overview 3.0](#), relevant factors include (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

In this case, the Panel considers that the Complainant's SYENSQO mark is undoubtedly distinctive and has a strong reputation; there is no response from the Respondent; the contact telephone number for the Respondent as recorded by the Registrar is not a complete United States number; and there is no apparent good faith use to which the Domain Name could be put.

In the Panel's view, the legitimate inference is that the Respondent registered the Domain Name with a view to taking unfair advantage of the Complainant's rights in the Mark, by confusing Internet users into believing that the Domain Name was being operated by or authorized by the Complainant. Accordingly, the Panel finds that the Domain Name was registered and is being used in bad faith.

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

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 <syeensqo.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: December 29, 2024