

ADMINISTRATIVE PANEL DECISION

Molecor Tecnología, S.L. v. Hullina Olibatan
Case No. D2024-5253

1. The Parties

The Complainant is Molecor Tecnología, S.L., Spain, represented by PONS IP, Spain.

The Respondent is Hullina Olibatan, Georgia.

2. The Domain Name and Registrar

The disputed domain name <molecor.cam> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in Spanish with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 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 (Desconocido Registry Domain IDs: D499132968-CNIC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on December 23, 2024, providing the registrant and contact information disclosed by the Registrar, inviting the Complainant to submit an amendment to the Complaint, also informing the parties that the language of the registration agreement for the disputed domain name is English. The Complainant filed an amended Complaint in English on December 26, 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 January 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 23, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on January 30, 2025. 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 Spanish company founded in 2006 and specialized in infrastructure, sanitation and edification solutions, whose pipes and fittings are marketed in more than 30 countries around the world.

The Complainant is the owner of several trademark registrations for MOLECOR including the following:

- European Union trademark registration No. 006643969 for MOLECOR (figurative), registered on January 21, 2009, in classes 17, 19, 42;
- International trademark registration No. 1576363 for MOLECOR (figurative), registered on January 15, 2021, in classes 17, 19, 42;
- United States of America trademark No. 4254722 for MOLECOR (figurative), registered on December 4, 2012, in class 007; and
- United Kingdom trademark registration No. UK006643969 for MOLECOR (figurative), registered on January 21, 2009, in classes 17, 19, 42.

The Complainant is also the owner of the <molecor.com> domain name which was registered on June 05, 2006.

The disputed domain name was registered on November 4, 2024, and does not resolve to any 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 disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) and the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- (iii) and the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#). However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

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 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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Furthermore, it is well accepted practice by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".cam", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take gTLD ".cam" into account when assessing confusing similarity of 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.

According to the Complainant, there is no association or connection between the Respondent and the Complainant. The Complainant has not granted the Respondent any license or authorization to use or register any domain name incorporating the Complainant's MOLECOR marks. Furthermore, the Respondent has not responded to the Complaint, failing to present any information or factors that could justify prior rights or legitimate interests in the disputed domain name.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute, the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. Instead, the disputed domain name is held passively and does not resolve to an active website.

The construction of the disputed domain name itself is such to carry a high risk of implied affiliation that cannot constitute fair use. See section 2.5.1 of the [WIPO Overview 3.0](#). The Panel notes that the Complainant operates the almost identical domain name <molecor.com>.

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 must have been aware of the Complainant's trademark as the disputed domain name was registered 17 years after the registration of the Complainant's trademark. The Panel finds that is improbable that the Respondent was not aware of the MOLECOR mark since a quick Internet search would reveal the existence of the MOLECOR mark. Additionally, the evidence provided by the Complainant with respect to the extent of use and global recognition of its MOLECOR mark, a distinctive term created by the Complainant with no meaning other than in connection to the Complainant. This, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant's widely known MOLECOR mark.

The Respondent's use and registration of the disputed domain name is clearly in bad faith. The Complainant has submitted evidence that it owns the domain name <molecor.com>. The similarity between the gTLD ".cam" of the disputed domain name, and the gTLD ".com" of the Complainant's domain name both visually and in general, just differing by one letter, further demonstrates the high likelihood of confusion between the disputed domain name and the Complainant's domain name. Due to how close they are, there could be confusion amongst Internet users associating the Complainant's MOLECOR mark with that of a dysfunctional webpage connected to the disputed domain name. The Panel is unable to determine any plausible good faith reason for the Respondent to have registered the disputed domain name containing entirely the MOLECOR trademark with the addition of the gTLD ".cam".

Here the Complainant submitted evidence that its fanciful MOLECOR mark has been used for more than 17 years globally. The Respondent has not provided any evidence of its intended use of the disputed domain name. In fact, the Respondent is not using the disputed domain name in any manner to demonstrate a bona fide use or potential use. Lastly, the Respondent concealed its true identity by using a proxy service and provided incomplete information when registering the disputed domain name. Given these circumstances, the Panel finds that the disputed domain name was registered and is being used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels 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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this

case the passive holding of the disputed domain name does not prevent a finding of 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 <molecor.cam> be transferred to the Complainant.

/Gökhan Gökçe/

Gökhan Gökçe

Sole Panelist

Date: February 13, 2025