ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
SYENSQO S.A. v. Martin Pino, LU 1971 0103 02070
Case No. D2025-0001

1. The Parties

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

The Respondent is Martin Pino, LU 1971 0103 02070, Luxembourg.

2. The Domain Name and Registrar

The disputed domain name <cytec-syensqo.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 2, 2025. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 2, 2025, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 7, 2025, 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 January 8, 2025.

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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 30, 2025.

The Center appointed David Taylor as the sole panelist in this matter on February 10, 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 Belgian company operating in the chemicals industry. The Complainant publicly-traded on the Euronext Brussels exchange and employes over 13,000 workers in some 30 jurisdictions throughout the world.

The Complainant previously formed part of the company Solvay SA. In December 2024, the Complainant split from Solvay SA, adopting the name "Syensqo". Prior to the split, Solvay SA had acquired the United States-based company Cytec Industries Inc. ("Cytec"), a specialty chemicals and materials technology company.

The Complainant is the owner of a number of trademark registrations for SYENSQO, including the following:

- Benelux Trademark Registration No. 1498876, SYENSQO (figurative trademark with word elements), registered on February 21, 2024;

- European Union Trade Mark No. 018888334, SYENSQO, registered on October 31, 2023; and

- International Registration No. 1773284, SYENSQO, registered on June 26, 2023.

The Complainant is also the registrant of a substantial number of domain names comprising its SYENSQO trademark including <syensqo.com>, which resolves to its main public-facing website.

The disputed domain name was registered on December 5, 2024. The disputed domain name does not resolve to an active web page.

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 the disputed domain name is confusingly similar to its SYENSQO trademark in which it has rights, 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.

B. Respondent

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

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

(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 was 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 shown rights in respect of the SYENSQO trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The disputed domain name consists of the trademark CYTEC followed by a hyphen and the Complainant's SYENSQO trademark. The Panel finds the Complainant's SYENSQO trademark to be recognizable in the disputed domain name. The addition of the CYTEC trademark does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's SYENSQO trademark. WIPO Overview 3.0, section 1.12.

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.

As noted above, the disputed domain name does not resolve to an active web page. The Respondent has not come forward with any evidence that the Respondent has engaged in any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy. The Respondent's name does not correspond to the disputed domain name, and there is no evidence to support a finding that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy.

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.

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

C. Registered and Used in Bad Faith

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 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 that the Complainant's SYENSQO trademark is a coined term that is exclusively associated with the Complainant, that the Respondent has failed to come forward to submit a Response and has not provided any evidence of actual or contemplated good-faith use of the disputed domain name, that the Respondent registered the disputed domain name in the name of a privacy service masking its identity, and that in light of the composition of the disputed domain name there is no apparent good-faith use to which the disputed domain name may be put. The Panel 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 <cytec-syensqo.com> be transferred to the Complainant.

/David Taylor/
David Taylor
Sole Panelist
Date: February 26, 2025