

ADMINISTRATIVE PANEL DECISION

Hexion, Inc., SMARTECH - The Industry Pivot Ltd. (d/b/a SMARTECH - A Hexion Company) v. 刘建福 (Liu jia)
Case No. D2025-5106

1. The Parties

The Complainants are Hexion, Inc., and SMARTECH - The Industry Pivot Ltd. (d/b/a SMARTECH - A Hexion Company), c/o Squire Patton Boggs (US) LLP, United States of America ("United States").

The Respondent is 刘建福 (Liu jia), China.¹

2. The Domain Name and Registrar

The disputed domain name <smartech.group> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on December 9, 2025. On December 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which partially differed from the named Respondent (Liu Jian Fu, Yiwu Leye Digital Technology Co., Ltd.) and contact information in the Complaint. The Center sent an email communication to the Complainants on December 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint.

On December 10, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On December 18, 2025, the Complainants confirmed their request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants' submission.

The Center verified that the 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").

¹The Panel notes that the Chinese pinyin "Liu jia" confirmed by the Registrar does not correspond to the Respondent's Chinese name 刘建福, which should be "Liu Jian Fu".

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 December 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 13, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on January 22, 2026. 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.

On February 4, 2026, the Panel issued Procedural Order No.1, requesting the Center to forward a copy of Notification of Complaint and Commencement of Administrative Proceeding to the Respondent's another contact email address that was used by the Complainant prior to the filing of the Complaint as evidenced in the Annex 10 to the Complaint, and inviting the Respondent to provide comments on the Complaint. The Respondent did not respond to the Procedural Order No.1.

4. Factual Background

The Complainant, Hexion, Inc. ("Hexion"), is a company organized under the laws of the State of New Jersey, United States. SMARTECH - The Industry Pivot Ltd. (d/b/a SMARTECH – A Hexion Company) ("Smartech") is a wholly owned subsidiary of Hexion, which was acquired by Hexion in December 2024. Hexion and Smartech are therefore connected companies with a common legal interest and trademark-based grievances in the present proceeding and are hereinafter collectively referred to as the "Complainant".

Smartech is engaged in the provision of technology services aimed at improving manufacturing efficiency and enabling autonomous manufacturing processes. According to the Complaint, Smartech operates internationally including in Israel, North America, Europe, Asia, and South America.

The Complainant has used the SMARTECH mark in connection with its business operations over an extended period. The Complainant operates its official website at "www.smartech.com", which was registered on August 13, 2003, and the SMARTECH mark has been displayed on this website in connection with its services since at least 2018. The Complainant further states that it has used the SMARTECH mark and variants thereof in connection with its business since June 2005, including in connection with technology-based manufacturing solutions offered to industrial customers globally, including in China.

The Complainant apparently filed a complaint with the Registrar regarding the disputed domain name. The Registrar forwarded the Respondent's reply to the Complainant on October 14, 2025, in which the Respondent indicated that "Smart" and "Tech" are dictionary terms and a common combination; that it simply parked the disputed domain name for sale with no infringement; that the Complainant can submit the case for arbitration, should it have any objection regarding the disputed domain name.

The Complainant then attempted to resolve this dispute amicably by sending, on October 23, 2024, October 27, 2025, and November 6, 2025, multiple written communications to the Respondent demanding the transfer of the disputed domain name and offering to reimburse the Respondent for documented out-of-pocket registration and maintenance costs associated with the disputed domain name, but received no response from the Respondent.

The disputed domain name was registered on September 1, 2025, and directs to an active website on the GoDaddy.com domain name resales platform where the disputed domain name is offered for sale for USD 3,500.

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 it has acquired unregistered (common law) trademark rights in the SMARTECH mark through longstanding and consistent use in connection with its business. The Complainant submits that the disputed domain name incorporates the SMARTECH mark in its entirety and that the applicable Top-Level Domain ".group" should be disregarded for the purpose of the confusing similarity assessment. Accordingly, the Complainant contends that the disputed domain name is identical or confusingly similar to the SMARTECH mark within the meaning of paragraph 4(a)(i) of the Policy.

With respect to paragraph 4(a)(ii) of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant submits that it has not authorized the Respondent to use the SMARTECH mark, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used, nor made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Complainant further contends that the disputed domain name has been registered for the purpose of sale and that such use does not confer rights or legitimate interests under the Policy.

With respect to paragraph 4(a)(iii) of the Policy, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent registered the disputed domain name long after the Complainant began using the SMARTECH mark, that the Respondent has engaged in a pattern of registering domain names corresponding to third-party trademarks (such as *Lonza Ltd. v. 刘建福 (Liu Jia)*, WIPO Case No. [D2024-3527](#), *Bonduelle SA v. 刘建福 (Liu Jia)*, WIPO Case No. [D2024-3944](#), and *Groupe IDEC, IDEC v. 刘建福 (Jia Liu)*, WIPO Case No. [D2025-2953](#)) and that the disputed domain name has been offered for sale for an amount exceeding documented out-of-pocket costs. The Complainant further contends that the Respondent registered the disputed domain name with knowledge of the Complainant's rights and with the intent to profit from confusion with the SMARTECH mark.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including that the disputed domain name is composed of Latin characters and includes the English word "group" rather than Chinese script; that the disputed domain name resolves to a GoDaddy parking page in English indicating that the disputed domain name is available for sale and listing the price in USD; and that these circumstances indicate that the Respondent is familiar with the English language. The Complainant further contends that multiple prior UDRP proceedings involving the Respondent were conducted in English notwithstanding that the relevant registration agreements were in Chinese, and that panels in those cases exercised their discretion under paragraph 11(a) of the Rules to proceed in English in the interests of procedural efficiency. The Complainant also submits that the

Registration Agreement is available in English, that English is commonly used in international domain name disputes, and that requiring translation of the Complaint and annexes into Chinese would result in unnecessary cost and delay, contrary to the objectives of the Policy.

The Respondent did not comment on the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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.

As to the ownership by the Complainant of a trademark sufficient for the purposes of the Policy, the Complainant claims to own unregistered trademark rights in the mark SMARTECH. The Panel refers to [WIPO Overview 3.0](#), section 1.3, which states that: "To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys."

The Panel notes that the Complainant has submitted documentary evidence in support of its claim to unregistered trademark rights in the SMARTECH mark, consisting of industry press references from 2020 and 2023 as well as its website materials showing continuous use of the mark in commerce dating back to 2018. The Complainant also refers to its participation in industry events and conferences and asserts that its services and innovations have received various awards and recognition in 2023, 2024, and 2025. The Panel notes from the Complainant's website at "[www.smartech.com/news-and-events](#)" that it participated in some exhibitions and promoted its business under the SMARTECH mark, and received some industrial awards at least during the period of 2023 to 2025.²

While the evidence provided by the Complainant could have been more extensive, the Panel does consider that the materials provided are sufficient to demonstrate that the SMARTECH mark has been used in commerce as a designation of source and has acquired some degree of secondary meaning within the Complainant's particular field of activity. On this basis, and in the specific circumstances of this case, the Panel finds that the Complainant has established unregistered trademark rights in the SMARTECH mark for the purposes of paragraph 4(a)(i) of the Policy.

Further, as to whether the disputed domain name is identical or confusingly similar to the mark, the Panel finds that 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.

²Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

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.

Based on the evidence provided, the Panel notes that the Respondent is not licensed by the Complainant in any way and is not commonly known by the disputed domain name 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 Respondent did not file any response during the proceeding, however, prior to the Complaint, the Respondent indicated that the disputed domain name is a combination of two dictionary terms. Panels have recognized that merely registering a domain name comprised of a dictionary word or phrase does not by itself automatically confer rights or legitimate interests on the respondent; panels have held that mere arguments that a domain name corresponds to a dictionary term/phrase will not necessarily suffice. In order to find rights or legitimate interests in a domain name based on its dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the relied-upon dictionary meaning and not to trade off third-party trademark rights. [WIPO Overview 3.0](#), section 2.10. According to the evidence, the Respondent has only connected the disputed domain name to a website on the GoDaddy.com domain name resales platform where the disputed domain name is offered for sale for USD 3,500. Considering that the disputed domain name is identical to the Complainant’s mark, together with a Top-Level Domain “group” possibly referring to the Complainant’s group of companies, that the disputed domain name is also nearly identical to the Complainant’s domain name used in commerce, namely <smartech.com>, that the disputed domain name consists of the single combined term “smartech” rather than the separate words “smart” and “tech”, which corresponds exactly to the Complainant’s trademark and domain name, and that the Respondent’s prior conduct of registering domain names incorporating the trademarks of third parties, the Panel finds on balance that the Respondent’s registration of the disputed domain name likely intends to trade off the reputation of the Complainant’s mark. Such use does not confer rights or legitimate interests in the disputed domain name on the Respondent.

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 disputed domain name is identical to the SMARTECH mark in which the Complainant has established unregistered trademark rights, and that the Respondent is unaffiliated with the Complainant. The disputed domain name is also nearly identical to the Complainant's primary domain name <smartech.com>, differing only in the Top-Level Domain. While the Complainant's evidence of reputation could have been more extensive, the Panel notes from the Complainant's website at "www.smartech.com/news-and-events" that it conducted business in China and participated in exhibitions held in China prior to the registration of the disputed domain name, and therefore considers that, on the balance of probabilities, the Respondent was aware of the Complainant at the time of registration of the disputed domain name. Although the Respondent claimed to have registered the disputed domain name due to its combination of two dictionary terms in response to the complaint filed by the Complainant with the Registrar, noting the Panel's findings under the second element, and the Respondent's pattern of bad faith conduct as discussed further below, in the absence of any formal response from the Respondent, the Panel finds on balance it is likely that the Respondent registered the disputed domain name due to the value of the SMARTECH mark, which constitutes bad faith.

As to the use of the disputed domain name in bad faith, the evidence shows that the Respondent is offering the disputed domain name for sale on GoDaddy.com for USD 3,500, an amount likely exceeding the Respondent's out-of-pocket registration costs (absent any evidence to the contrary from the Respondent). On the balance of probabilities, the Panel finds that the Respondent is using the disputed domain name to attempt to sell it to the Complainant, the owner of the SMARTECH mark, or to the Complainant's competitors, in order to obtain an unjustified financial benefit. The Panel finds that this constitutes evidence of bad faith under paragraph 4(b)(i) of the Policy.

Finally, the Panel finds that the Complainant has sufficiently demonstrated that the Respondent has engaged in a pattern of abusive domain name registrations. In this regard, the Panel notes that the Respondent has been involved in several prior UDRP proceedings in which the respective panels found that the Respondent acted in bad faith (see section 5 above). The Panel considers these prior adverse findings to constitute persuasive evidence of a pattern of bad faith under the Policy. In the Panel's view, these elements clearly establish the Respondent's bad faith in the present case.

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 <smartech.group> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: February 16, 2026