

ADMINISTRATIVE PANEL DECISION

Solvay S.A. v. xu xu

Case No. DCC2023-0018

1. The Parties

The Complainant is Solvay S.A., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is xu xu, Singapore.

2. The Domain Name and Registrar

The disputed domain name <solvay.cc> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 30, 2023. On November 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 1, 2023, 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 December 5, 2023 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 December 8, 2023.

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 December 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2024.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on January 22, 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, Solvay S.A., is located in Belgium. The Complainant was founded in 1863 and has offices and production sites in more than 60 countries, employing 22,000 people. It operates as a science company in chemicals and materials such as high polymers and composite technologies. These technologies provide solutions and applications in agriculture, personal care, health care, consumer foods, automotive aerospace and electronics.

The Complainant has a worldwide trademark portfolio of more than 800 trademarks containing the word SOLVAY. The most relevant trademarks (the “SOLVAY Trademark”) owned by the Complainant and on which the Complaint is based are:

- European Union (“EU”) trademark registration no. 000067801 for the word mark SOLVAY registered since May 30, 2000 in classes 1, 3, 4, 5, 7, 9, 10, 12, 17, 19, 20, and 31.
- EU trademark registration no. 011664091 for the word mark SOLVAY registered since August 13, 2013 in classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 22, 23, 24, 25, 30, 31, 35, 36, 40, and 42.
- International trademark registration no. 1171614 for the word mark SOLVAY registered since February 28, 2013 in classes 1, 2, 3, 4, 5, 7, 9, 10, 12, 17, 19, 22, 23, 24, 25, 30, 31, 34, 35, 36, 37, 39, 40, and 42 and designating notably Singapore.
- International trademark registration no. 603946 for the word mark SOLVAY registered since November 26, 1992 in classes 1, 2, 3, 5, 16, 17, 19, 20, and 27 and designating notably China.

The Complainant also owns EU trademark registration no. 018318609 for the letter S and the word SOLVAY in a circle in a stylized logo form registered since March 30, 2021 in classes 1, 5, 9, 17, 23, 35, 36, 37, 40, and 42; and an International trademark registration no. 1581926 for the same logo mark registered since October 8, 2020 in classes 1, 5, 9, 17, 23, 35, 36, 37, 40, and 42 designating notably China and Singapore (together the “SOLVAY Logo Trademark”).

The Complainant is also the owner of hundreds of domain names including the SOLVAY Trademark. The most relevant is <solway.com> (which has been registered since 1995), <solway.be>, <solway.sg>, and <solway.cn>.

The disputed domain name was registered on November 18, 2023. The Respondent is located in Singapore. According to the Complainant’s evidence, the disputed domain name resolves to a log-in page displaying both of the Complainant’s SOLVAY Trademark and SOLVAY Logo Trademark and appears to host a Bitcoin investment platform with a notice “Solvay Investment Group welcomes investors from all over the world to join”.

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 identical to the SOLVAY Trademark as it includes the Complainant’s SOLVAY Trademark in its entirety.

The Complainant further states that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that:

- (i) To the best of its knowledge the Respondent has not been commonly known by the disputed domain name.
- (ii) To the best of its knowledge the Respondent does not own any trademark corresponding to the disputed domain name.
- (iii) The Complainant has not licensed or authorized the Respondent to use its SOLVAY Trademark or any domain name including the SOLVAY Trademark.

Finally, the Complainant states that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that it is inconceivable that the Respondent did not have its SOLVAY Trademark in mind when it registered the disputed domain name.

The Complainant further says that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website located at the disputed domain name and is taking unfair advantage of the reputation of the Complainant. It also asserts that the Respondent's use infringes the Complainant's word and logo marks most particularly its EU and international registrations designating Singapore and China.

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.

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.

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.

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.

The Panel is satisfied that the disputed domain name has been registered in bad faith for the following reasons:

- (i) The Panel finds the Complainant's SOLVAY Trademark is well known for chemicals and materials in a wide range of fields such as agriculture, personal care, health care, consumer food, automotive, aerospace and electronic fields. The Panel notes that an earlier panel in *Solvay SA v. Name Redacted*, WIPO Case [D2023-0235](#), found that the Complainant's SOLVAY Trademark "[had] acquired considerable goodwill and renown worldwide."
- (ii) Paragraph 2 of the UDRP puts a burden on registrants where it states:

"By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that [...] to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party [...]. It is your responsibility to determine whether your domain name registration infringes or violates someone else's rights".

Even the most cursory trademark or other online search or any online search of the term "solvay" prior to the Respondent registering the disputed domain name would instantly have revealed the Complainant and its SOLVAY Trademark. See in this regard sections 3.2.2 and 3.2.3 of the [WIPO Overview 3.0](#).

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

- (i) The registration of the disputed domain name which solely features the Complainant's SOLVAY Trademark has been found earlier to be identical to the Complainant's SOLVAY Trademark. The Panel finds that there is no apparent reason for the registration of the disputed domain name other than to target the Complainant.
- (ii) The Panel is satisfied that, when registering the disputed domain name, the Respondent intended to attract users to the website located at the disputed domain name and to create confusion with the Complainant's SOLVAY Trademark as to source, sponsorship or affiliation for its own commercial gain. This intent is confirmed by the Respondent's use of the SOLVAY Trademark and SOLVAY Logo Trademark on that website, and the website appears to host a Bitcoin investment platform with a notice "Solvay Investment Group welcomes investors from all over the world to join".

Many visitors to the website at the disputed domain name are likely to consider this to be a domain name created or licensed by the Complainant when this is not the case. Visitors are likely to engage with the website because of the use of the SOLVAY Trademark in the disputed domain name and use of the SOLVAY Trademark and SOLVAY Logo Trademark on the website hosted at the disputed domain name.

- (iii) The Respondent had the opportunity to respond to the Complaint but has not done so. The Panel is therefore entitled to draw adverse inferences from that failure or omission, which in the circumstances of this case supports a finding of bad faith.

The Panel considers that there is a strong case that the Respondent's use of the Complainant's SOLVAY Logo Trademark on the website located at the disputed domain name infringes the Complainant's SOLVAY Logo Trademark - in particular International registration no. 1581926 which designates Singapore (where the Respondent is located) and covers class 36 (which category includes services such as assistance and advice on capital investment; Intermediary services relating to financial investments, in particular capital investments).

Based on the available record, 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 <solvay.cc> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: February 5, 2024