

ADMINISTRATIVE PANEL DECISION

Solvay SA v. Broskin Mansaga, Cloushd Sidnasta B. ltd
Case No. DCO2022-0102

1. The Parties

The Complainant is Solvay SA, Belgium, represented by PETILLION, Belgium.

The Respondent is Broskin Mansaga, Cloushd Sidnasta B. ltd, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <sovlay.co> 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 22, 2022. On November 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2022, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 22, 2022, 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 23, 2022.

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 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2023.

The Center appointed Alan L. Limbury as the sole panelist in this matter on January 16, 2023. 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

Founded 1863, the Complainant Solvay S.A. is a global science company specialised in high-performance polymers and composites technologies, and a leader in chemicals. The Complainant's group has its registered offices in Brussels and employs more than 21,000 people in 63 countries including the United States, where the Respondent appears to reside.

The Complainant owns several registrations of the word mark SOLVAY, including International Registration No. 1171614, registered on February 28, 2013, covering numerous countries, including the United States of America.

The Complainant registered the domain name <solvay.com> on March 21, 1995, and uses it to resolve to its official website and for its internal mailing system.

The Complainant also registered the domain name <solvay.co> on July 27, 2014.

The disputed domain name was registered on October 28, 2022. Although it does not resolve to an active web page, the email function has been enabled.

5. Parties' Contentions

A. Complainant

The Complainant has rights in the trademark SOLVAY, which is well-known all over the world. The disputed domain name corresponds to the Complainant's SOLVAY mark except for the order of two of its letters placed next to each other in the middle of the mark (the letters "vl" instead of "lv"). This is an obvious case of typosquatting. A previous UDRP Panel has found this exact misspelling to be confusingly similar to the Complainant's mark. See *Solvay SA v. WhoisGuard Protected, WhoisGuard, Inc. / Thomas Hutton, Thomas LLC*, WIPO Case No. [D2020-1553](#) (<sovlay.com>).

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name and has not acquired trademark or service mark rights and the Respondent's use and registration of the disputed domain name were not authorized by the Complainant. In the absence of any licence or permission from the Complainant to use its widely-known trademark, no actual or contemplated *bona fide* or legitimate use of the disputed domain name could reasonably be claimed. The disputed domain name impersonates or at least suggests sponsorship or endorsement by the Complainant and cannot constitute *bona fide* or fair use. Finally, the disputed domain name is not linked to an active website and given the fact that the disputed domain name is a common misspelling of the Complainant's distinctive and well-known SOLVAY mark, it is inconceivable that any good faith use would be made by the Respondent.

The Complainant and its distinctive trademark are well-known all over the world, including in the United States where the Respondent is located. It is inconceivable that the Respondent was unaware of the Complainant and its rights in the SOLVAY mark at the time of registration of the typosquatted disputed domain name. Hence it is clear that the disputed domain name was registered in bad faith. Further, the Respondent's passive holding of the disputed domain name amounts to bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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 has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has shown that it has rights in the SOLVAY trademark through numerous registrations. The Panel finds the disputed domain name to be confusingly similar to the Complainant's SOLVAY mark, since it consists of the mark in its entirety, merely transposing the letters "v" for the letters "l", which does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

The country code Top-Level Domain ("ccTLD") ".co" may be disregarded for the purpose of comparison under paragraph 4(a)(i) of the Policy.

The Complainant has established this element.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in the disputed domain name for purposes of paragraph 4(a)(ii) of the Policy, *i.e.*

- (i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

As mentioned above, the disputed domain name was registered on October 28, 2022, many years after the Complainant has shown that its SOLVAY mark had become very well-known worldwide. It does not resolve to an active website.

These circumstances, together with the Complainant's assertions, are sufficient to constitute a *prima facie* showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The burden of production therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant has established this element.

C. Registered and Used in Bad Faith

The four illustrative circumstances set out in paragraph 4(b) of the Policy as evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) are not exclusive.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's very well-known SOLVAY mark when the Respondent registered the disputed domain name, which is clearly a deliberately typosquatted version of the Complainant's mark. Typosquatting itself has been held widely by panels to be evidence of bad faith registration and use under paragraph 4(b)(iii) of the Policy. See *Dr. Ing. h.c. F. Porsche AG v. Registration Private, Domains By Proxy, LLC / Jaya Yella*, WIPO Case No. [D2017-0044](#), for <porsche.com>.

Further, in view of the well-known and distinctive character of the Complainant's SOLVAY mark, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, as in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), it is impossible to imagine any plausible legitimate use of the disputed domain name by the Respondent.

The fact that the disputed domain name's email function has been enabled indicates the likelihood that the Respondent intends to use the disputed domain name to send emails designed to mislead recipients into believing that the Respondent is a representative of the Complainant.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Complainant has established this element.

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 <sovlay.co> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: January 19, 2023